

NEAL MILLER and DONNA
MILLER, individually and
as Administrators of the
Estate of RYAN MILLER

Plaintiffs

-V-

CITY OF PHILADELPHIA,
et al.

Defendants : No. 2:20-cv-06301-ER

Friday, May 12, 2023

Oral Deposition of OFFICER JOSEPH WOLK,
via Zoom Videoconference, at 10:11 a.m. on the above
date, before Julie A. Damiani, Professional Reporter
and Notary Public for the Commonwealth of
Pennsylvania.

1 A P P E A R A N C E S V I A Z O O M :

2
3
4 FLAGER & ASSOCIATES, P.C.
5 BY: MICHAEL S. LEVIN, ESQUIRE
6 One Northbrook Corporate Center
7 1210 Northbrook Drive, Suite 280
8 Trevose, Pennsylvania 19053
9 215.953.5200
10 michael@flagerlaw.com

11 Representing the Plaintiffs

12 CITY OF PHILADELPHIA
13 LAW DEPARTMENT
14 BY: DEREK R. KANE, ESQUIRE
15 One Parkway, 14th Floor
16 1515 Arch Street
17 Philadelphia, Pennsylvania 19102
18 215.686.1774
19 derek.kane@phila.gov

20 Representing the Defendant,
21 City of Philadelphia
22
23
24

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I N D E X

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Testimony of: Officer Joseph Wolk

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By Mr. Levin

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By Mr. Kane

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<p style="text-align: right;">Page 4</p> <p>(It is hereby stipulated and agreed by and between counsel for respective parties that reading, signing, sealing, certification and filing are waived and that all objections, except as to the form of the question, be reserved until the time of trial.)</p> <p style="text-align: center;">- - -</p> <p>OFFICER JOSEPH WOLK, after having been first duly sworn, was examined and testified as follows:</p> <p style="text-align: center;">- - -</p> <p>BY MR. LEVIN:</p> <p>Q. Good morning, Officer. My name is Michael Levin. We had a very brief opportunity to meet before going on the record, but I'm the attorney for the plaintiffs in this case. I've asked you to come in for your deposition because you were involved in the incident which forms the basis for this case.</p> <p>Before we begin -- I know you've given depositions in the past, but I just want to go over a couple brief instructions. First, I don't know if the last one you gave was by this</p>	<p style="text-align: right;">Page 6</p> <p>to be as direct and as quick as I can. That being said, we have some ground to cover. So, if you need to take a break, I'd be glad to accommodate that at any time. The only thing I'd ask is, don't leave a question hanging. If I've asked a question, answer that, and we can take a break.</p> <p style="text-align: center;">All right?</p> <p>A. Yes, sir.</p> <p>Q. Thanks very much, sir.</p> <p>Can you, please, state your full name for the record?</p> <p>A. Police Officer Joseph Wolk; Badge 6734.</p> <p>Q. And you are a police officer with the Philadelphia Police Department?</p> <p>A. That's correct.</p> <p>Q. And is Philadelphia the only police department you've worked in professionally?</p> <p>A. Yes.</p> <p>Q. Could you take me through your history in the department, starting with when you went to the police academy?</p>
<p style="text-align: right;">Page 5</p> <p>platform, but we're doing this by Zoom. Even in a regular deposition, one of the things that you want to do is only have one person speaking at a time so the court reporter can take down everything that's said.</p> <p>Even more important here when we're sort of relying on technology which goes a little wonky from time to time as well. So, please let me finish my question before giving your answer. Conversationally, we sort of step on each other all the time. But for Julie to do her job, we need to each stay in our lane while the other is speaking.</p> <p>A. I understand.</p> <p>Q. If for any reason I ask you a question and you don't understand it -- I mean, I think most of this stuff is kind of straightforward, but I'll be glad to repeat it or rephrase it. I don't want you to answer anything that you don't understand.</p> <p style="text-align: center;">All right?</p> <p>A. Yes, sir.</p> <p>Q. If for any reason you need to take a break -- I'm going to make a concerted effort</p>	<p style="text-align: right;">Page 7</p> <p>A. I went to the police academy in March 26, 1990. Graduated in August of '90. For two months, I was assigned to Center City District, worked the foot beat for approximately two months. Then I was transferred --</p> <p>Q. I don't mean to jump in, but did you say you were on foot beat?</p> <p>A. Foot beat for two months, that's correct, in Center City.</p> <p>Q. Okay. Go ahead.</p> <p>A. After that, I went to the 25th District for a few weeks, and then I switched with another officer and went to the 26th District shortly after there up until December of 1997, I was in the 26th District. From 1997 until currently, I'm in the Highway Patrol.</p> <p>Q. Okay. What do your duties as a Highway Patrol officer generally entail?</p> <p>A. Originally when I was there -- when I originally was there, it was 95 and the Schuylkill was covered by us. Then we also had what's called the line squad, which we had a squad of guys which I was in to work in high crime areas, to try to deter crimes, make arrests</p>

<p>1 when warranted, and do traffic violations.</p> <p>2 I only worked interstates when the</p> <p>3 senior guys were on vacation, so it wasn't a</p> <p>4 whole lot of time on 95 or the Schuylkill. We</p> <p>5 were also, Highway Patrol, we do a lot of</p> <p>6 dignitary protection when the president comes in</p> <p>7 or the vice president on our motorcycles. And</p> <p>8 kind of authority person comes in, we do like an</p> <p>9 escort service. We also do police officer or</p> <p>10 fireman's funerals, and also retired officer's</p> <p>11 funerals, also. I do a lot of that now.</p> <p>12 Q. Have you ever been a motorcycle</p> <p>13 officer during the time that you've been on</p> <p>14 Highway Patrol?</p> <p>15 A. Almost the entire time being</p> <p>16 there, that's correct.</p> <p>17 Q. In this particular incident, --</p> <p>18 and I know one other that was recently</p> <p>19 litigated -- you were driving SUVs though?</p> <p>20 A. Yes. We're assigned a police</p> <p>21 motorcycle, and we have a radio patrol car, also.</p> <p>22 The motorcycle is used for details to and from</p> <p>23 work, to and from court. We don't use the</p> <p>24 motorcycle to patrol.</p>	<p>Page 8</p> <p>1 THE WITNESS: Yes, I read the</p> <p>2 whole report.</p> <p>3 BY MR. LEVIN:</p> <p>4 Q. All right. And have you given</p> <p>5 testimony in civil matters previously?</p> <p>6 A. Yes.</p> <p>7 Q. About how many times?</p> <p>8 A. Twice.</p> <p>9 Q. Not including this?</p> <p>10 A. Yes.</p> <p>11 Q. One of those was the McKenna</p> <p>12 matter that recently resolved?</p> <p>13 A. Yes.</p> <p>14 Q. And what was the other?</p> <p>15 A. It was an arrest I made; impounded</p> <p>16 the car. The male, through court, was found not</p> <p>17 guilty. The case was thrown out, and his car was</p> <p>18 never returned; it was sold at auction. He</p> <p>19 wanted to be repaid for his car, his losses.</p> <p>20 Q. And around when did that occur?</p> <p>21 MR. KANE: You mean the lawsuit,</p> <p>22 Michael?</p> <p>23 MR. LEVIN: Yes, yes.</p> <p>24 MR. KANE: You can estimate.</p>
<p>Page 9</p> <p>1 Q. Okay. So, on a normal day-to-day</p> <p>2 basis when you're doing patrols, what are you</p> <p>3 usually occupying?</p> <p>4 A. The radio patrol car.</p> <p>5 Q. Okay. In anticipation of your</p> <p>6 testimony today, have you reviewed any of the</p> <p>7 documents associated with the case?</p> <p>8 A. I have.</p> <p>9 Q. What have you reviewed?</p> <p>10 A. The AID Report and the Internal</p> <p>11 Affairs Report.</p> <p>12 Q. When you're referring to the</p> <p>13 Internal Affairs Report, I know there's a</p> <p>14 narrative section and a whole bunch of</p> <p>15 attachments.</p> <p>16 Did you review the attachments as</p> <p>17 well or just sort of the narrative section</p> <p>18 through the conclusion?</p> <p>19 MR. KANE: Objection to form. You</p> <p>20 can answer.</p> <p>21 THE WITNESS: Are you trying to</p> <p>22 say the whole entire report, did I read</p> <p>23 it?</p> <p>24 MR. LEVIN: Yes.</p>	<p>Page 11</p> <p>1 THE WITNESS: I would say it was</p> <p>2 approximately about five years ago,</p> <p>3 maybe.</p> <p>4 BY MR. LEVIN:</p> <p>5 Q. Do you remember the name of the</p> <p>6 plaintiff in that case?</p> <p>7 A. I don't.</p> <p>8 Q. Fair enough. I'm assuming in</p> <p>9 connection with your duties, you've probably</p> <p>10 given testimony in a bunch of criminal cases,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And testimony in any of those</p> <p>14 cases, have any of those cases also involved</p> <p>15 vehicular pursuits?</p> <p>16 A. Vehicular pursuits? If there were</p> <p>17 cases like that, where I made an arrest?</p> <p>18 Q. Yeah. Cases where there was a</p> <p>19 vehicular pursuit, there was an arrest and</p> <p>20 charges, and there was later testimony in regard</p> <p>21 to that?</p> <p>22 A. I would say yes.</p> <p>23 Q. Okay. Could you estimate, maybe,</p> <p>24 how many times that's occurred?</p>

<p>Page 12</p> <p>1 A. I couldn't estimate that, no.</p> <p>2 Q. Okay. Do you have any type of</p> <p>3 estimate of how many vehicular pursuits you've</p> <p>4 been involved in as a police officer over the</p> <p>5 years?</p> <p>6 A. I do not, no.</p> <p>7 Q. Do you think it's more or less</p> <p>8 than ten?</p> <p>9 A. Thirty-three years on the job, I</p> <p>10 would say around ten, maybe.</p> <p>11 Q. Okay. Fair enough. Again, these</p> <p>12 are all sort of estimates. I'm just trying to</p> <p>13 get a sense.</p> <p>14 A. I understand.</p> <p>15 Q. Now, this case is Section 1983</p> <p>16 case, which I'm assuming you know what that is,</p> <p>17 and I know that the McKenna case was as well.</p> <p>18 I saw that there was also another</p> <p>19 case filed over the past couple of years;</p> <p>20 plaintiff's name was Ward. It also appears to</p> <p>21 have been a civil rights case.</p> <p>22 Do you recall that matter?</p> <p>23 A. Ward?</p> <p>24 Q. W-A-R-D.</p>	<p>Page 14</p> <p>1 the fact. When I was making a turn,</p> <p>2 Bailey McKenna's dirt bike hit the side</p> <p>3 of my vehicle while he was doing a</p> <p>4 wheelie.</p> <p>5 BY MR. LEVIN:</p> <p>6 Q. Do you know if there was an</p> <p>7 Internal Affairs investigation connected to that</p> <p>8 incident?</p> <p>9 A. Yes.</p> <p>10 Q. And did Internal Affairs find that</p> <p>11 there was any type of violation of department</p> <p>12 policy that you had committed in connection with</p> <p>13 that incident?</p> <p>14 A. Yeah. I think it was -- I believe</p> <p>15 the original job was the pursuit of the</p> <p>16 motorcycle operator, and I did not go over the</p> <p>17 police radio with that pursuit.</p> <p>18 Q. And was there any type of finding</p> <p>19 that the pursuit was itself a violation of</p> <p>20 policy; it wasn't justified or anything of that</p> <p>21 nature?</p> <p>22 A. I don't recall.</p> <p>23 Q. What you do recall is they found</p> <p>24 that the policy was violated, and that you were</p>
<p>Page 13</p> <p>1 A. I don't recall.</p> <p>2 Q. Maybe just to refresh your</p> <p>3 recollection, I looked over the complaint. The</p> <p>4 allegation was basically malicious prosecution,</p> <p>5 fabrication of evidence. The person ended up</p> <p>6 doing some time for a narcotics conviction.</p> <p>7 Do you recall something like that?</p> <p>8 A. I do not know that one, no.</p> <p>9 Q. Okay. Now, more recently, and I</p> <p>10 guess, overlapping with when this incident</p> <p>11 happened, you were named in another Section 1983</p> <p>12 case where it concerned an individual named</p> <p>13 Bailey McKenna.</p> <p>14 Do you recall that case?</p> <p>15 A. Yes.</p> <p>16 Q. Just broadly speaking, there was</p> <p>17 the pursuit of some, I guess, dirt bike or ATV</p> <p>18 riders along Torresdale Avenue or thereabouts,</p> <p>19 and eventually there was a collision between</p> <p>20 Bailey McKenna's dirt bike and your vehicle?</p> <p>21 MR. KANE: Objection to form. You</p> <p>22 can answer.</p> <p>23 THE WITNESS: Yes. It was not</p> <p>24 involving the one pursuing. It was after</p>	<p>Page 15</p> <p>1 supposed to call in the pursuit and didn't; is</p> <p>2 that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Was that, in fact, the case? It</p> <p>5 wasn't called in?</p> <p>6 A. This was not called in, that's</p> <p>7 correct.</p> <p>8 Q. Now, just briefly -- and I</p> <p>9 understand your contention is that you were</p> <p>10 disengaged from the pursuit and were making a</p> <p>11 left turn afterwards when the collision with the</p> <p>12 McKenna vehicle happened, correct?</p> <p>13 A. It was minutes after the original</p> <p>14 pursuit. I was back on patrol making a left-hand</p> <p>15 turn.</p> <p>16 Q. Okay. And leading up to that</p> <p>17 left-hand turn, hadn't your vehicle been</p> <p>18 traveling northbound in the southbound travel</p> <p>19 lane on Torresdale?</p> <p>20 MR. KANE: Objection to form. You</p> <p>21 can answer if you can.</p> <p>22 THE WITNESS: Can you repeat the</p> <p>23 question?</p> <p>24</p>

<p>Page 16</p> <p>1 BY MR. LEVIN:</p> <p>2 Q. Immediately prior to when you</p> <p>3 initiated that turn, when you said you were</p> <p>4 making the turn, you said you were getting</p> <p>5 something to eat? Is that what your plan was?</p> <p>6 A. Yeah. We were back on patrol, and</p> <p>7 my statement was to my partner, Let's get</p> <p>8 something to eat. We were driving down the</p> <p>9 street, we made a left-hand turn eastbound onto</p> <p>10 Howell Street, and then --</p> <p>11 Q. Leading up to the point where you</p> <p>12 made that turn, hadn't your police vehicle been</p> <p>13 traveling northbound in the southbound travel</p> <p>14 lane of Torresdale Avenue?</p> <p>15 A. No. I was traveling southbound on</p> <p>16 Torresdale Avenue and made a left turn eastbound</p> <p>17 onto, I believe it was Howell Street.</p> <p>18 Q. And that's at the point where the</p> <p>19 McKenna vehicle collided with you, correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Is it fair to say had it not been</p> <p>22 for that turn, that vehicle probably wouldn't</p> <p>23 have collided with you?</p> <p>24 MR. KANE: Objection to form. You</p>	<p>Page 18</p> <p>1 correct?</p> <p>2 MR. KANE: Objection to form. You</p> <p>3 can answer.</p> <p>4 THE WITNESS: Repeat the question</p> <p>5 again? I'm sorry.</p> <p>6 BY MR. LEVIN:</p> <p>7 Q. The allegation the plaintiffs were</p> <p>8 making in that lawsuit -- and I know it's not</p> <p>9 your position, but the allegation was that the</p> <p>10 maneuver that resulted in that collision was an</p> <p>11 intentional one, correct?</p> <p>12 MR. KANE: Objection to form. You</p> <p>13 can answer.</p> <p>14 THE WITNESS: Yes.</p> <p>15 MR. LEVIN: I'm trying to sanitize</p> <p>16 it as much as I can.</p> <p>17 THE WITNESS: I understand.</p> <p>18 BY MR. LEVIN:</p> <p>19 Q. I don't want to re-litigate that</p> <p>20 case. You know, it's not the same situation</p> <p>21 here, but there is a couple superficial or maybe</p> <p>22 more than superficial similarities, so I wanted</p> <p>23 to touch base. Again, I'm not re-litigating that</p> <p>24 case. I'm trying to keep this to what we can</p>
<p>Page 17</p> <p>1 can answer. It's speculative, but you</p> <p>2 can answer.</p> <p>3 THE WITNESS: Repeat the question</p> <p>4 again? I'm sorry.</p> <p>5 BY MR. LEVIN:</p> <p>6 Q. Well, my understanding is you made</p> <p>7 a turn, and his path of travel took him right</p> <p>8 into the side of your vehicle; is that correct?</p> <p>9 A. I made my turn and he was in the</p> <p>10 bike lane. I was almost immediately through the</p> <p>11 intersection into the crosswalk area where he, on</p> <p>12 video, was on a wheelie and struck the side of my</p> <p>13 vehicle. That's correct.</p> <p>14 Q. What I was asking is, but for the</p> <p>15 fact of that turn, the collision likely would not</p> <p>16 have occurred, right? If you hadn't made the</p> <p>17 turn, your vehicle wouldn't have been where it</p> <p>18 was and he wouldn't have struck it, correct?</p> <p>19 MR. KANE: Objection to form.</p> <p>20 THE WITNESS: I guess so.</p> <p>21 BY MR. LEVIN:</p> <p>22 Q. And the allegation in the</p> <p>23 lawsuit -- and I know you disputed it -- was that</p> <p>24 that was an intentional maneuver on your part,</p>	<p>Page 19</p> <p>1 agree on, you know?</p> <p>2 A. I understand.</p> <p>3 Q. Very good.</p> <p>4 And that case was recently</p> <p>5 resolved some time in the past year?</p> <p>6 A. Yes.</p> <p>7 Q. And you have no recollection of</p> <p>8 being named in this other thing, the Ward case?</p> <p>9 A. I do not know.</p> <p>10 MR. KANE: I don't want to</p> <p>11 participate, but I think that could be</p> <p>12 the prior case he mentioned.</p> <p>13 MR. LEVIN: I'm going to bring up</p> <p>14 the document. I'm going to try and share</p> <p>15 my screen. Bear with me for just a</p> <p>16 moment. I may have to do this on the</p> <p>17 Cloud or off the Cloud. We'll see.</p> <p>18 MR. KANE: Off the record.</p> <p>19 (At this time, a discussion was</p> <p>20 held off the record.)</p> <p>21 BY MR. LEVIN:</p> <p>22 Q. Can you see the document I have up</p> <p>23 on the screen or no?</p> <p>24 MR. KANE: No. You have your File</p>

<p>Page 20</p> <p>1 Explorer open right now. We see a list 2 of documents. We can see it now. 3 BY MR. LEVIN: 4 Q. So, what I'm showing is just the 5 first page that contains the caption, and it 6 looks like this was filed in November of 2021. 7 So the plaintiff's name is Joseph 8 Ward, and the listed defendants are Police 9 Officer Stanley Davis and you. 10 Would you agree with that? 11 A. If I can cut in, I did receive a 12 copy of that. On that report, Stanley Davis was 13 assigned to narcotics, asked us to stop somebody, 14 and he was arrested. We just transported him. 15 That's probably why I was never called for this. 16 I made the arrest for Officer Davis. I was never 17 brought up in this. I seen the copy was served 18 to me, but I never was called to court or 19 testified or anything like this. 20 MR. KANE: Just wait for a 21 question, Officer. 22 THE WITNESS: Okay. 23 BY MR. LEVIN: 24 Q. The allegations at least in the</p>	<p>Page 22</p> <p>1 A. No. 2 Q. Did you ever have to go as far as 3 answering written questions like interrogatories? 4 A. Nothing like this, no. 5 Q. Do you know if this was eventually 6 settled or dismissed? 7 A. No knowledge of that whatsoever. 8 Q. Fair enough. I'll take that down. 9 So, fair to say the McKenna matter 10 was resolved. You don't know as far as the Ward 11 case because other than service of process, 12 nothing on your end, correct? 13 A. That's correct. 14 Q. And then there's this case, so 15 that's three separate 1983 cases in the past six 16 years. 17 Have any of those cases resulted 18 in professional discipline being imposed on you 19 in any way? 20 MR. KANE: Objection to form. You 21 can answer. 22 THE WITNESS: To Ward, nothing on 23 that. It had nothing to do with me. 24 McKenna was -- I think it was two day's</p>
<p>Page 21</p> <p>1 case seem to be that there was some type of 2 malicious prostitution or fabrication of evidence 3 that led to Mr. Ward being convicted and 4 basically alleged that it was a wrongful 5 conviction. 6 One of the other allegations in 7 the complaint, and I wanted to ask you, indicates 8 that the codefendant, Stanley Davis, was himself 9 arrested and charged with possession of heroin 10 and some other related stuff. 11 Do you have any knowledge of that? 12 A. Yes. 13 Q. Is that accurate? 14 A. I believe so. 15 MR. KANE: Objection to form. You 16 can answer. 17 THE WITNESS: Yes. 18 BY MR. LEVIN: 19 Q. The other allegation is that -- 20 well, that concerns him. I don't want to get too 21 deep into the weeds with that. 22 But you didn't have to appear in 23 court or for a deposition or anything of that 24 nature?</p>	<p>Page 23</p> <p>1 suspension for McKenna, I think it was. 2 BY MR. LEVIN: 3 Q. And who imposes that? Is that the 4 Police Board of Inquiry? 5 A. Yeah, I believe it's Internal 6 Affairs and goes up the chain of command. It's 7 something that they decide. 8 Q. Since the date of the McKenna 9 incident until today, has your duty status being 10 affected at all as a result of any of these 11 incidents? 12 A. No. 13 Q. After graduating the police 14 academy way back when, have you had any ongoing 15 continuing education? Like lawyers do continuing 16 legal education. Do you have anything of that 17 nature? 18 A. No. We have only our 19 state-mandated classes every year, through the 20 state, legal updates, which are First Aid, CPR, 21 and the shooting range. 22 Q. Have you attended any type of 23 seminars for professional development, anything 24 of that nature, additional training of that sort?</p>

<p>Page 24</p> <p>1 A. Not off the top of my head right 2 now. There's a few classes I went to: Drug 3 addiction way back when, outlaw motorcycle 4 training and all that stuff, but through the 5 years. 6 Q. Okay. Let's turn to this 7 incident, which I believe was May 7, 2019. At 8 some point during the early part of your shift 9 that evening, you encountered Ryan Miller on his 10 scooter, correct? 11 A. That's correct. 12 Q. When did you first see Ryan 13 Miller? 14 A. I was traveling eastbound on 15 Bridge Street, and Mr. Miller was traveling 16 westbound on Bridge Street towards Tacony Street. 17 Q. So, he was going westbound and 18 heading towards Tacony Street, so that's, like, 19 right by The Arsenal, right? 20 A. Yes, sir. 21 Q. And you said you were westbound on 22 Bridge Street, where westbound on Bridge Street? 23 A. I was eastbound; he was westbound. 24 Q. Oh, I'm sorry.</p>	<p>Page 26</p> <p>1 A. Yes. 2 Q. Now, from what I understand from 3 at least your initial statement, at some point 4 after you did that, you're on Tacony, lights and 5 sirens activated; he fails to pull over, correct? 6 A. That's correct. 7 Q. You stated -- I think this is post 8 statements that you made -- that he had gone into 9 the opposing lanes of travel, the southbound 10 lanes, on Tacony? 11 A. He did. He drove going northbound 12 into southbound lanes. 13 Q. Now, when he did that, was he 14 going around traffic that was ahead of him in the 15 northbound lanes? 16 A. No. There was no one in front of 17 him. 18 Q. Do you have any sense of why he 19 did that? Was it just to evade you? 20 MR. KANE: Objection to form. You 21 can answer. 22 THE WITNESS: I have no idea. 23 BY MR. LEVIN: 24 Q. You seem to indicate in your</p>
<p>Page 25</p> <p>1 A. That's okay. 2 Q. Where eastbound? 3 A. Just passing Tacony Street. 4 Q. So, you're sort of both on the 5 same side of Tacony at that point, correct? 6 A. We were both on the east side of 7 Tacony Street, that's correct. He's in the 8 westbound lanes; I'm in the eastbound lanes. 9 Q. Okay. Do you know if he was in a 10 right turning lane at the first time you saw him? 11 A. I don't recall. He went past. I 12 just caught a blur of the motor scooter going by. 13 I looked in my mirror and seen there was no tag 14 assigned to it; he wasn't wearing a helmet. I 15 made a U-turn with lights and sirens. 16 Q. Is a helmet mandatory for those? 17 A. Yes. 18 Q. You made the U-turn, activated 19 lights and sirens. I assume by the time that you 20 had done that, he had already gone onto Tacony, 21 turned north to go onto Tacony; is that correct? 22 A. That's correct. 23 Q. After you made the U-turn, you 24 followed as well, correct?</p>	<p>Page 27</p> <p>1 initial statement, I think to AID, that you 2 thought he might have either been suicidal or 3 intoxicated. 4 What specifically, other than just 5 the aggressive maneuver, made you think that? 6 A. It wasn't an aggressive movement; 7 he just -- with no cars in front of him, the 8 reason why he traveled in a wrong path of 9 traffic, which traffic goes 45, 50 miles an hour, 10 I had no idea what he was doing. Was he under 11 the influence? Was he suicidal? I couldn't wrap 12 my head around why he was traveling in them 13 lanes. 14 Q. So, really when you're talking 15 about those two things, it's sort of speculation, 16 but what you were really doing is, why is he 17 doing that? That's what's going through your 18 mind? 19 MR. KANE: Objection to form. You 20 can answer. 21 THE WITNESS: Yes. 22 BY MR. LEVIN: 23 Q. Now, when he did that, was he 24 headed directly towards any oncoming traffic or</p>

<p>Page 28</p> <p>1 was traffic a little ways further down the road?</p> <p>2 A. Well, when he's traveling</p> <p>3 northbound in the southbound lanes, there's a</p> <p>4 curve past Fraley Street, a blind curve on State</p> <p>5 Road -- State Road comes around. State Road and</p> <p>6 Tacony, they change the name several times.</p> <p>7 But anyway, there was no one</p> <p>8 traveling towards him, but I know he was</p> <p>9 traveling up into that blind spot. So, with</p> <p>10 that, I accelerated and put my lights and sirens</p> <p>11 on to warn the traffic to try to get to that turn</p> <p>12 before he did to avoid a collision. Maybe they</p> <p>13 would see me and slow up before a collision might</p> <p>14 occur.</p> <p>15 Q. Okay. Now, the curve that you're</p> <p>16 referring to, -- I'm kind of familiar with the</p> <p>17 area -- is that where the Dietz & Watson plant is</p> <p>18 located now?</p> <p>19 A. Yes. It would be south of there,</p> <p>20 yes, just shortly south of there.</p> <p>21 Q. But close by to where that is as</p> <p>22 opposed to the turn around near the Tacony</p> <p>23 Bridge?</p> <p>24 A. Oh, yes.</p>	<p>Page 30</p> <p>1 made the U-turn no problem. I didn't have to</p> <p>2 wait for cars to go by.</p> <p>3 Q. Okay. So, now you're both</p> <p>4 traveling southbound again in the southbound</p> <p>5 lanes on Tacony, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Which street did he depart from</p> <p>8 Tacony on?</p> <p>9 A. He was a little ahead of me, and</p> <p>10 he made a right turn onto Fraley Street from</p> <p>11 Tacony.</p> <p>12 Q. Okay. And you pursued him,</p> <p>13 correct?</p> <p>14 A. I caught up to him. He made a</p> <p>15 left onto southbound James Street, which is the</p> <p>16 first street. He made a left there. I caught up</p> <p>17 to him then and had lights and sirens on.</p> <p>18 Q. Okay. So, when you turn onto</p> <p>19 Fraley Street, there's an overpass kind of bridge</p> <p>20 that you pass under?</p> <p>21 A. Yes, that's I-95. That's correct.</p> <p>22 Q. And the first street that you come</p> <p>23 to when you come out on the other side of that is</p> <p>24 James Street, right?</p>
<p>Page 29</p> <p>1 Q. Because I knew that you had made a</p> <p>2 reference to a blind turn, so I wasn't sure</p> <p>3 exactly which one. So, he's going northbound in</p> <p>4 the southbound lanes.</p> <p>5 Does he ever get back into the</p> <p>6 correct lanes of travel before the chase goes</p> <p>7 sort of down Fraley Street?</p> <p>8 A. No.</p> <p>9 Q. You had managed to get your</p> <p>10 vehicle ahead of where his was at some point?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Approximately where in the roadway</p> <p>13 were you? Your best estimation when that</p> <p>14 occurred.</p> <p>15 A. I was almost at the curve. I</p> <p>16 could see oncoming traffic, and I looked in my</p> <p>17 mirror and seen Mr. Miller making the U-turn and</p> <p>18 then going in the right path of traffic being</p> <p>19 southbound.</p> <p>20 Q. And when you were able to see</p> <p>21 oncoming traffic, was that traffic still a ways</p> <p>22 away or was it difficult for you to execute the</p> <p>23 U-turn?</p> <p>24 A. It had to be a ways away because I</p>	<p>Page 31</p> <p>1 A. That's correct.</p> <p>2 Q. And am I correct that at that</p> <p>3 point, that's like a T-intersection? Like James</p> <p>4 Street doesn't go across on both sides?</p> <p>5 A. That's correct.</p> <p>6 Q. In fact, the neighborhood that</p> <p>7 this pursuit sort of occurred in, it sort of</p> <p>8 encapsulated in a small area; wouldn't that be</p> <p>9 fair to say?</p> <p>10 MR. KANE: Objection to form.</p> <p>11 THE WITNESS: Yes, it's real small</p> <p>12 and narrow back there. The streets are</p> <p>13 real small; the blocks are real small.</p> <p>14 BY MR. LEVIN:</p> <p>15 Q. And it doesn't really connect up</p> <p>16 with the larger grid, right? There's only a</p> <p>17 couple ways in or out?</p> <p>18 A. Yes. I think from Fraley and I</p> <p>19 think from Beasley Street to get back there, yes.</p> <p>20 It's a little pocket back there, a square pocket.</p> <p>21 Q. Does Scattergood cut through to</p> <p>22 Tacony?</p> <p>23 A. No.</p> <p>24 Q. No. Okay.</p>

<p>Page 32</p> <p>1 So, in any event, we've gotten to</p> <p>2 the point now where both vehicles go up Fraley;</p> <p>3 he makes a left turn onto James Street.</p> <p>4 How close or how far are you</p> <p>5 traveling behind him at that point?</p> <p>6 MR. KANE: At which point,</p> <p>7 Michael?</p> <p>8 MR. LEVIN: At the point where</p> <p>9 you're turning onto James Street.</p> <p>10 THE WITNESS: When I turn onto</p> <p>11 James Street, he's probably about, I</p> <p>12 would say, 25 feet in front of me,</p> <p>13 30 feet, estimating.</p> <p>14 BY MR. LEVIN:</p> <p>15 Q. And then, if I'm correct, not long</p> <p>16 after, you both get onto James Street, he makes</p> <p>17 another turn, a right turn down one of the</p> <p>18 smaller streets that come off of James?</p> <p>19 A. Yes. When you make a turn off of</p> <p>20 Fraley onto James, it's another quick right turn</p> <p>21 onto Simon Street, that's correct.</p> <p>22 Q. That's Simon?</p> <p>23 A. Yes.</p> <p>24 Q. And is that the street that he</p>	<p>Page 34</p> <p>1 BY MR. LEVIN:</p> <p>2 Q. I'm going to preface this, as you</p> <p>3 can probably see from the still that we're</p> <p>4 looking at, this is video shot of the video</p> <p>5 playing on a monitor. There's some chatter of</p> <p>6 people talking in the beginning, but that's not</p> <p>7 anything that you're going to be questioned</p> <p>8 about. Just try to remember that.</p> <p>9 A. Okay.</p> <p>10 (At this time, the video is being</p> <p>11 played.)</p> <p>12 MR. KANE: Just for the record,</p> <p>13 the video appeared to me to be a little</p> <p>14 bit choppy, I think, than how it</p> <p>15 appeared to you, Michael.</p> <p>16 MR. LEVIN: Oh, okay. Let me see</p> <p>17 if I can go back. Maybe it was just the</p> <p>18 way it was playing back.</p> <p>19 BY MR. LEVIN:</p> <p>20 Q. Were you able to see that?</p> <p>21 A. Yes, but it was in fragments.</p> <p>22 It's a little choppy.</p> <p>23 Q. The motion of it looks choppy as</p> <p>24 you're watching it?</p>
<p>Page 33</p> <p>1 turned onto?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you know, as he went down Simon</p> <p>4 Street, is that a one or a two-way street?</p> <p>5 A. I believe all the streets on there</p> <p>6 are two-way. It's a one lane path street, but I</p> <p>7 think they're all two-way. I'm not a hundred</p> <p>8 percent sure.</p> <p>9 Q. All right. They're all small</p> <p>10 streets, that's why I'm asking.</p> <p>11 A. Yes.</p> <p>12 Q. I think we have video -- well, it</p> <p>13 depicts both from James and Fraley, both sort of</p> <p>14 this segment of the pursuit as well as right</p> <p>15 before the end. So, I'm going to try and bring</p> <p>16 that up. Bear with me.</p> <p>17 I'm going to preface this --</p> <p>18 MR. KANE: We can't see the video,</p> <p>19 Michael. We're seeing the File Explorer;</p> <p>20 we're not seeing the video. Off the</p> <p>21 record.</p> <p>22 (At this time, a discussion was</p> <p>23 held off the record.)</p> <p>24</p>	<p>Page 35</p> <p>1 A. Yes.</p> <p>2 Q. But were you able to basically see</p> <p>3 the vehicles and the progress through the area</p> <p>4 depicted in the screen?</p> <p>5 A. Yes.</p> <p>6 Q. Would you agree that's the portion</p> <p>7 of the pursuit that we've been talking about for</p> <p>8 the past couple of minutes?</p> <p>9 MR. KANE: Objection to form. You</p> <p>10 can answer.</p> <p>11 THE WITNESS: When I was trying to</p> <p>12 stop him, that's correct. That's Fraley</p> <p>13 and turning onto James Street.</p> <p>14 BY MR. LEVIN:</p> <p>15 Q. Okay. So, that's right after the</p> <p>16 vehicles had exited off of Tacony and before it</p> <p>17 sort of goes through that neighborhood, right?</p> <p>18 A. That's correct, sir.</p> <p>19 Q. Okay. Now, as you were turning</p> <p>20 onto, I believe you said it was Simon, it seems</p> <p>21 you were pretty close up behind the rear of the</p> <p>22 scooter; less than the 25 feet you mentioned</p> <p>23 before; is that fair to say?</p> <p>24 MR. KANE: Objection to form. You</p>

<p>1 can answer.</p> <p>2 THE WITNESS: From the angle of</p> <p>3 the camera, maybe a little shorter.</p> <p>4 BY MR. LEVIN:</p> <p>5 Q. Okay. At any point during that</p> <p>6 sequence of events -- and when I say that</p> <p>7 sequence of events, from the turn onto James</p> <p>8 Street and up Simon, were you trying to get up</p> <p>9 beside Ryan's scooter?</p> <p>10 A. No.</p> <p>11 MR. LEVIN: I'm going to take this</p> <p>12 down. We'll come back to that later.</p> <p>13 BY MR. LEVIN:</p> <p>14 Q. So, two vehicles, from where we</p> <p>15 see the video cutoff on that segment, both head</p> <p>16 westbound down Simon.</p> <p>17 That leads straight up to Eadom;</p> <p>18 is that correct?</p> <p>19 A. It does.</p> <p>20 Q. Which way did the scooter turn</p> <p>21 onto Eadom?</p> <p>22 A. Left, which would be southbound.</p> <p>23 Q. Now, a little bit further down on</p> <p>24 Eadom, is there a self-storage facility located</p>	<p>Page 36</p> <p>1 BY MR. LEVIN:</p> <p>2 Q. The scooter goes into that parking</p> <p>3 lot?</p> <p>4 A. That's correct.</p> <p>5 Q. And it had to turn pretty sharp</p> <p>6 right to do that from where it was in the</p> <p>7 roadway?</p> <p>8 A. I don't recall that.</p> <p>9 Q. You followed into the parking lot</p> <p>10 as well?</p> <p>11 A. I'm not sure if I turned in or he</p> <p>12 turned in, or I turned into the parking lot</p> <p>13 somewhere.</p> <p>14 Q. But you did turn into the parking</p> <p>15 lot at some point though, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And he had turned around to go</p> <p>18 basically out of the parking lot down the other</p> <p>19 way, northbound down Eadom?</p> <p>20 A. The video shows that, but I did</p> <p>21 not see him coming back out of it. I lost sight</p> <p>22 of him for a few seconds until I noticed him</p> <p>23 coming back out.</p> <p>24 Q. Okay. And he was on a scooter,</p>
<p>Page 37</p> <p>1 there?</p> <p>2 A. I believe so.</p> <p>3 Q. And there's, like, a lot outside</p> <p>4 that?</p> <p>5 A. I believe so.</p> <p>6 Q. Now, the vehicles both went down</p> <p>7 that far on Eadom, at some point, when you were</p> <p>8 heading down at that point, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Now, as you're going down Eadom,</p> <p>11 did you manage to bring your vehicle up beside</p> <p>12 Ryan's scooter?</p> <p>13 A. On the video, it shows he's next</p> <p>14 to my vehicle, that's correct.</p> <p>15 Q. Okay. And at that point, you seem</p> <p>16 to execute a move, like a turn or, you know,</p> <p>17 veering off to the right in the direction of the</p> <p>18 scooter.</p> <p>19 Do you recall doing that?</p> <p>20 MR. KANE: Objection to form. You</p> <p>21 can answer.</p> <p>22 THE WITNESS: No, I don't remember</p> <p>23 that.</p> <p>24</p>	<p>Page 39</p> <p>1 which is probably a little bit more maneuverable</p> <p>2 than your SUV, right?</p> <p>3 A. Yes.</p> <p>4 Q. So, he was able to make that</p> <p>5 turnaround quicker than you were to, right?</p> <p>6 A. Yes.</p> <p>7 Q. He eventually goes back, and at</p> <p>8 this point, it's northbound down Eadom. You came</p> <p>9 out of the lot and followed him?</p> <p>10 A. Yes.</p> <p>11 MR. LEVIN: I'm going to try to</p> <p>12 play video of that, and we'll see how it</p> <p>13 goes.</p> <p>14 BY MR. LEVIN:</p> <p>15 Q. I'll represent to you that this is</p> <p>16 video that was recovered, I believe, from the</p> <p>17 storage facility. And I will state for the</p> <p>18 record, I know that there is -- I don't know if</p> <p>19 this is the identical video, but there is</p> <p>20 substantially similar video that was referenced</p> <p>21 in the IAD report that you reviewed.</p> <p>22 With that being said, let me play</p> <p>23 this for you. You'll see yourselves coming in</p> <p>24 from the far left of the screen. Bear with me.</p>

<p>1 (At this time, the video was being 2 played.) 3 BY MR. LEVIN: 4 Q. Were you able to see that okay? 5 A. Yes. 6 Q. Now, you would agree that at some 7 point you see the two vehicles coming in on the 8 left side of the screen in this video? 9 A. Yes. 10 Q. Did you see the rightward maneuver 11 that your vehicle took when it was next to Ryan's 12 scooter? 13 MR. KANE: Objection to form. You 14 can answer. 15 THE WITNESS: It played really 16 fast. I really couldn't see it. It 17 wasn't playing at regular speed. I 18 couldn't see. 19 BY MR. LEVIN: 20 Q. Would you like to see it again? 21 A. Yes. Okay. I can see it now. 22 Q. Now, looking at where we have it 23 frozen, it looks like you're up beside -- maybe 24 even the front of your vehicle is a little ahead</p>	<p>Page 40</p>	<p>1 Q. Okay. Obviously, that's a 2 recording of the event. Is that how you remember 3 that happening? 4 A. Yes. 5 Q. Okay. So, both of you are heading 6 back down Eadom at that point. 7 Now, when you made that sort of 8 right when you're right next to the scooter, does 9 that involve any risk that there might be a 10 collision between the two vehicles? The scooter 11 was traveling straight up until that point in 12 time, it seems. 13 MR. KANE: Objection to form. 14 THE WITNESS: It appears that he's 15 next to me, but we simultaneously turned 16 at the same time. He turned even a bit 17 before me. I couldn't see who turned 18 first. 19 BY MR. LEVIN: 20 Q. Now, were you able to see where he 21 was in relation to you at the time when you 22 initiated that turn maneuver? 23 A. He was over to my right and 24 turning into the lot, that's why I turned.</p>	<p>Page 42</p>
<p>1 of the scooter; is that fair to say? 2 A. It appears from the angle of the 3 video, yes. 4 Q. I'm going to try to take this in 5 little increments, but it's difficult to do. Try 6 to stay with me. 7 Now, at the point where I stopped 8 it, you see where your vehicle starts to veer off 9 to the right, and it looks like Ryan's does as 10 well? 11 MR. KANE: Objection to form. 12 THE WITNESS: It appears both of 13 us are turning simultaneous at the same 14 time. 15 BY MR. LEVIN: 16 Q. Okay. From this point, I'll just 17 play it through, but it looks like Ryan goes into 18 the lot, turns around, heads back down the way he 19 came on Eadom, and it appears that you actually 20 start to go into the lot but actually back out 21 and turn around. 22 Let's see if that's correct after 23 we watch it. Do you see where I'm referring to? 24 A. Yes, sir.</p>	<p>Page 41</p>	<p>1 Q. Okay. Is it your testimony that 2 he started to turn first and then you followed, 3 as opposed to him turning right to avoid you? 4 A. He just turned into the lot. 5 Q. Okay. Now, just generally when 6 you're operating a vehicle in proximity to 7 motorcycles, motor scooters, two-wheeled vehicles 8 of that nature, those riders are somewhat more 9 vulnerable than people in passenger cars and 10 SUVs, correct? 11 MR. KANE: Objection to form. 12 THE WITNESS: That's correct. 13 BY MR. LEVIN: 14 Q. In other words, there's no 15 structure surrounding them that's engineered for 16 safety; it's just them on the thing they're 17 riding, right? 18 A. That's correct. 19 Q. So, when you're executing a 20 maneuver in close proximity to somebody who's on 21 a scooter or motorcycle, that can involve a risk 22 of harm to the person on that vehicle, correct? 23 MR. KANE: Objection to form. 24 THE WITNESS: That's a weird</p>	<p>Page 43</p>

<p>1 question. Say that again.</p> <p>2 BY MR. LEVIN:</p> <p>3 Q. When you're executing a turning</p> <p>4 maneuver and you're right next to somebody who's</p> <p>5 on a motor scooter or a motorcycle, something of</p> <p>6 that nature, that involves a potential for a</p> <p>7 collision between the two vehicles and injury to</p> <p>8 that rider; doesn't it?</p> <p>9 MR. KANE: Objection to form</p> <p>10 and -- objection to form. You can</p> <p>11 answer.</p> <p>12 THE WITNESS: Like I said, he's</p> <p>13 already made the turn before I did into</p> <p>14 the lot. I was following. I turned with</p> <p>15 him. He turned and I went with him to</p> <p>16 keep an eye on him. I'm trying to say --</p> <p>17 the word you're trying to put it into. I</p> <p>18 don't understand that one.</p> <p>19 Do you want to try again?</p> <p>20 BY MR. LEVIN:</p> <p>21 Q. Okay. So, let me ask you this:</p> <p>22 In a collision with a car or an SUV or a truck,</p> <p>23 somebody on a scooter or motorcycle is likely to</p> <p>24 suffer serious injuries, right?</p>	<p>Page 44</p>	<p>1 Do you see a document with the</p> <p>2 heading, Video Timeline?</p> <p>3 A. Yes.</p> <p>4 Q. I'm going to represent to you that</p> <p>5 this is a timeline of video that Internal Affairs</p> <p>6 had retrieved from various sources around the</p> <p>7 route of this proceeding. One of them</p> <p>8 specifically talks about this. I believe it's</p> <p>9 what's referred to as Camera 5 on the 5400 block</p> <p>10 of Eadom looking south.</p> <p>11 Would you agree that's kind of the</p> <p>12 perspective that we were just looking at in the</p> <p>13 video?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 MR. LEVIN: And just so that we</p> <p>17 can make it clear on the record, this</p> <p>18 document was previously marked Defense</p> <p>19 000057. We'll mark this as Wolk-1 for</p> <p>20 the deposition.</p> <p>21 (At this time, the court reporter</p> <p>22 marked Exhibit WOLK-1 for identification.)</p> <p>23 BY MR. LEVIN:</p> <p>24 Q. Per the narrative, Lieutenant</p>	<p>Page 46</p>
<p>1 A. Sure.</p> <p>2 Q. And --</p> <p>3 MR. KANE: Objection to form.</p> <p>4 BY MR. LEVIN:</p> <p>5 Q. Notwithstanding what led up to it,</p> <p>6 that's what happened in the case with McKenna,</p> <p>7 right? That ended up being fatal injuries, and</p> <p>8 he was on a motorcycle and collided with a car,</p> <p>9 right?</p> <p>10 MR. KANE: Objection to form. You</p> <p>11 can answer.</p> <p>12 THE WITNESS: That's correct.</p> <p>13 BY MR. LEVIN:</p> <p>14 Q. So, when you execute a sharp right</p> <p>15 maneuver directly next to Ryan's scooter, doesn't</p> <p>16 that involve a risk of harm to him?</p> <p>17 MR. KANE: Objection to form. You</p> <p>18 can answer.</p> <p>19 THE WITNESS: Ryan was already</p> <p>20 turning into the lot when I turned.</p> <p>21 BY MR. LEVIN:</p> <p>22 Q. I want to show you another</p> <p>23 document. I'm going to represent to you -- let's</p> <p>24 see if I can bring this up.</p>	<p>Page 45</p>	<p>1 Clowe (ph) from Internal Affairs testified the</p> <p>2 other day that he actually prepared this document</p> <p>3 after viewing the videos.</p> <p>4 So, on that description for Camera</p> <p>5 5 on that camera, it states that it begins at</p> <p>6 7:15; 7:24:20, Scooter is observed southbound</p> <p>7 5400 Eadom Street with Police SUV H14 -- which is</p> <p>8 your vehicle, right?</p> <p>9 A. That's correct.</p> <p>10 Q. -- traveling southbound 5400 Eadom</p> <p>11 on the left side of the scooter alongside the</p> <p>12 scooter; would you agree with that so far?</p> <p>13 A. Yes, sir.</p> <p>14 MR. KANE: Just to be clear,</p> <p>15 Michael, are you asking if he agrees with</p> <p>16 that you read it correctly or if --</p> <p>17 MR. LEVIN: That that's what</p> <p>18 happened.</p> <p>19 BY MR. LEVIN:</p> <p>20 Q. I know that I can read it</p> <p>21 correctly, but is that what happened?</p> <p>22 A. I thought you meant what you were</p> <p>23 reading up there. I'm sorry. Go ahead.</p> <p>24 Q. All right. I want to focus on</p>	<p>Page 47</p>

<p>Page 48</p> <p>1 this next coordinate, 7:24:22, this narrative 2 states, Police SUV H14, observed southbound on 3 5400 Eadom, veers right, forcing the scooter that 4 is traveling southbound on the 5400 block of 5 Eadom Street into the parking lot. 6 That's at odds with what you just 7 testified to, correct? 8 MR. KANE: Objection to the form. 9 THE WITNESS: That's speculation 10 of what the camera says. I wouldn't 11 force my vehicle into a motorcycle or a 12 motor scooter. I turned into the parking 13 lot as he turned into the parking lot. 14 BY MR. LEVIN: 15 Q. Okay. So, whereas this is 16 characterized by Lieutenant Clowe as you veering 17 right forcing the scooter over, it's your 18 testimony that he turned and you were just 19 following him? 20 A. He turned into the parking lot 21 which I turned also in. I would not put my 22 vehicle in front of a moving scooter like that. 23 Q. And why not? 24 A. It would cause serious bodily</p>	<p>Page 50</p> <p>1 apprehend the citizen? 2 A. That's correct. 3 MR. KANE: Objection. Just to be 4 clear, objection to any legal conclusions 5 here. I understand he's going to answer 6 these questions. But to the extent they 7 are legal conclusions, I'm raising an 8 objection. 9 MR. LEVIN: Understood. Just to 10 respond on the record, I'm trying not to 11 ask him for a legal conclusion. This is 12 really more your understanding of what 13 your duties and responsibilities as an 14 officer are. It's strictly your 15 understanding, so that's what I'm trying 16 to get at here. 17 BY MR. LEVIN: 18 Q. So, I just asked you that 19 excessive force would include using a law 20 enforcement vehicle as a roadblock; you agreed. 21 You knew that on the day that this 22 incident occurred, right? 23 A. Right. 24 Q. And one of the reasons -- and I</p>
<p>Page 49</p> <p>1 injury. 2 Q. Now, at no point during this 3 pursuit did you lose control of your vehicle, 4 correct? 5 A. I did not. That's correct. 6 Q. You were in conscious control of 7 the SUV the entire time? 8 A. Yes. 9 Q. Can we agree that as a law 10 enforcement officer, you can't use excessive 11 force during the apprehension of a citizen for a 12 violation of the Motor Vehicle Code? 13 A. Absolutely. 14 Q. Can we agree that the use of 15 excessive force would include ramming a police 16 vehicle into a citizen in order to detain or 17 apprehend that citizen? 18 MR. KANE: Objection to form. You 19 can answer. 20 THE WITNESS: Yes. 21 BY MR. LEVIN: 22 Q. Can we agree as well that the use 23 of excessive force would include using a law 24 enforcement vehicle as a roadblock to detain and</p>	<p>Page 51</p> <p>1 think you just stated it yourself before we went 2 down this list of questions. The reason that a 3 law enforcement officer isn't supposed to do that 4 is because when you use those kinds of 5 techniques, you can't ensure the safety of the 6 citizen you're trying to apprehend, correct? 7 MR. KANE: Objection to form. You 8 can answer. 9 THE WITNESS: Yes. It would 10 damage my police vehicle. 11 BY MR. LEVIN: 12 Q. In any event, you're aware that, 13 you know, there is a possibility when you're 14 doing these kinds of things, it's 15 disproportionate or excessive when you're talking 16 about a motor vehicle violation, right? 17 A. That's correct. 18 Q. And, again, this is all stuff that 19 you understood back when this incident occurred, 20 right? 21 A. Yes. 22 Q. And would you also agree that a 23 law enforcement officer shouldn't use a vehicle 24 as a roadblock to apprehend a citizen riding on a</p>

<p>1 motor scooter or motorcycle?</p> <p>2 MR. KANE: Objection to form. You</p> <p>3 can answer.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. LEVIN:</p> <p>6 Q. And you knew that on the day of</p> <p>7 the incident, right?</p> <p>8 A. Yes.</p> <p>9 Q. And same thing, you shouldn't use</p> <p>10 a vehicle as a barricade to apprehend a citizen</p> <p>11 riding on a motor scooter, correct?</p> <p>12 A. Yes.</p> <p>13 Q. One reason you wouldn't do that is</p> <p>14 because it could result in a high likelihood of</p> <p>15 death or serious bodily injury to the person</p> <p>16 riding it, right?</p> <p>17 A. That's correct.</p> <p>18 Q. I hate to even ask this question,</p> <p>19 but I started out this deposition saying, you</p> <p>20 know, that there's some superficial similarities</p> <p>21 here between this situation and Bailey McKenna.</p> <p>22 And I know that that situation with McKenna,</p> <p>23 there was a group of people on dirt bikes and</p> <p>24 ATVs; is that fair?</p>	<p>Page 52</p> <p>1 types of vehicles, that sort of sets you off in</p> <p>2 any way?</p> <p>3 MR. KANE: Objection to form. You</p> <p>4 can answer.</p> <p>5 THE WITNESS: Sets me off?</p> <p>6 MR. LEVIN: Yeah.</p> <p>7 BY MR. LEVIN:</p> <p>8 Q. To use the Internet language, does</p> <p>9 it trigger you?</p> <p>10 MR. KANE: Same objection. You</p> <p>11 can answer.</p> <p>12 THE WITNESS: I wouldn't say it</p> <p>13 sets me off. It's a problem that has</p> <p>14 just gotten larger and larger, including</p> <p>15 Philadelphia and other cities, which most</p> <p>16 of the time we can't do nothing about it.</p> <p>17 BY MR. LEVIN:</p> <p>18 Q. I realize there's a little bit of</p> <p>19 a catch-22 here, wouldn't you agree? That what</p> <p>20 these kids are mostly doing is mostly motor</p> <p>21 vehicle violations which don't fit into what</p> <p>22 you're allowed to, under the directives, initiate</p> <p>23 a pursuit for, right?</p> <p>24 A. That's correct.</p> <p>Page 54</p>
<p>Page 53</p> <p>1 MR. KANE: Objection to form. You</p> <p>2 can answer.</p> <p>3 THE WITNESS: At what point?</p> <p>4 BY MR. LEVIN:</p> <p>5 Q. Well, at some point before the</p> <p>6 actual collision, there were a group of people</p> <p>7 riding together kind of crazily and aggressively,</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And Philadelphia, like</p> <p>11 many cities, has these kids out on these types of</p> <p>12 vehicles, sometimes driving a little aggressively</p> <p>13 or even recklessly; fair characterization?</p> <p>14 A. Yes.</p> <p>15 MR. LEVIN: For the record, it</p> <p>16 drives me nuts, too. I think that most</p> <p>17 people have that reaction in traffic.</p> <p>18 BY MR. LEVIN:</p> <p>19 Q. But given that there's been two</p> <p>20 sort of situations where what's seemingly is a</p> <p>21 Motor Vehicle Code violation turns into a</p> <p>22 pursuit, and then through one path or another,</p> <p>23 somebody gets hurt or killed, is there something</p> <p>24 about this situation, kids riding around on these</p>	<p>Page 55</p> <p>1 Q. So there's a little tension right</p> <p>2 there, right?</p> <p>3 MR. KANE: Objection to form.</p> <p>4 THE WITNESS: What do you mean</p> <p>5 tension?</p> <p>6 BY MR. LEVIN:</p> <p>7 Q. Maybe that's a bad word for it.</p> <p>8 That's a quandary for you as an</p> <p>9 officer, right? You see these people basically</p> <p>10 doing things that are in violations of the Motor</p> <p>11 Vehicle Code, could be dangerous to themselves,</p> <p>12 could be dangerous to others, but they don't rise</p> <p>13 to the level of what you're allowed to really</p> <p>14 pursue a vehicle for, right?</p> <p>15 MR. KANE: Objection to form. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: Most of the time,</p> <p>18 they ride by us and we can't do nothing</p> <p>19 about it. That's the way it is.</p> <p>20 BY MR. LEVIN:</p> <p>21 Q. So why the exception in this</p> <p>22 particular case?</p> <p>23 A. Ryan Miller?</p> <p>24 Q. Yeah.</p>

<p>Page 56</p> <p>1 A. Well, there was actions of not 2 stopping and driving into oncoming lanes of 3 traffic. Something was going on there. It 4 wasn't like he kept driving through red lights or 5 whatever, he was in oncoming traffic where he was 6 at very harm. Then I put myself in harm's way in 7 getting ahead of him, because if he continued in 8 that lane, the car would have swerved and maybe 9 struck my vehicle. I put myself in a situation 10 to try to stop his action of what was going on. 11 I had no idea.</p> <p>12 Q. Okay. I get what you're saying 13 that what he did on Tacony Street is sort of what 14 led to it but that stopped on Tacony Street, 15 right?</p> <p>16 A. Yes.</p> <p>17 MR. KANE: Objection to form. You 18 can answer.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. LEVIN:</p> <p>21 Q. But the pursuit continued for 22 awhile after that. So, I'm sort of saying, why 23 did that not break it off when you realized he's 24 no longer traveling the wrong way on Tacony</p>	<p>Page 58</p> <p>1 block.</p> <p>2 Q. I realize these are tiny, little 3 houses packed right up on top of one another in a 4 very densely populated neighborhood. I mean, -- 5 I'm not trying to split hairs with you, but the 6 route until you reach Scattergood is from Tacony, 7 up Fraley, James, Simon, Eadom, into the parking 8 lot on Eadom, back down Eadom. At some point, he 9 gets back onto James. What street did he take to 10 get down to James?</p> <p>11 MR. KANE: Objection to form, but 12 you can answer.</p> <p>13 THE WITNESS: We go from Fraley -- 14 MR. KANE: Just answer the 15 question.</p> <p>16 What was your last question, 17 Michael?</p> <p>18 BY MR. LEVIN:</p> <p>19 Q. After Ryan took off from the 20 parking lot from the self-storage facility when 21 he pulls a U-bey and you have to go down the 22 other way that you just came from, my 23 understanding is that he ended up going down one 24 of the streets eastbound until he got to James</p>
<p>Page 57</p> <p>1 Street, and at best, up until that point what 2 he's doing is a motor vehicle violation, isn't 3 it?</p> <p>4 A. I caught up to him. His actions 5 continued driving recklessly, and it was only a 6 span of two blocks and I did have him stopped.</p> <p>7 Q. What are you referring to when you 8 say the span of two blocks and you had him 9 stopped?</p> <p>10 A. When we go from Fraley and James, 11 it's literally only two blocks until Scattergood 12 when I had him stopped.</p> <p>13 Q. Okay. He goes down Tacony, up 14 Fraley, down James, up Simon, down Eadom, around 15 the parking lot, back up Eadom, down Kennedy 16 then, is that where he went?</p> <p>17 A. No. When I got behind him at 18 Fraley Street, it was literally -- them blocks 19 are so short. From Fraley and Simon to where 20 that parking lot is, it's considered only a 21 block, block and a half. And then back around 22 the corner, okay, we'll give you three total 23 blocks before he was stopped. Those small blocks 24 are on top of each other. It's not, like, a long</p>	<p>Page 59</p> <p>1 again and then James to Scattergood; is that 2 correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Which street was it that he used 5 to get back down to James? Was it Kennedy? Was 6 it Fraley? Simon?</p> <p>7 A. I'm not sure. There was also 8 another small street, I think Laurel, too.</p> <p>9 Q. Yeah, yeah.</p> <p>10 A. Another small street there. It 11 was literally a couple little, small streets up 12 to Scattergood from Eadom.</p> <p>13 Q. Ultimately, it's determined that 14 this whole sequence of events constituted a 15 couple of violations in the department's pursuit 16 policy, right?</p> <p>17 MR. KANE: Objection to form. You 18 can answer.</p> <p>19 THE WITNESS: No, I don't believe 20 so.</p> <p>21 BY MR. LEVIN:</p> <p>22 Q. Okay. I'm going to show you the 23 conclusion section from the IAD report, and I 24 believe you said that you read this this morning.</p>

<p>Page 60</p> <p>1 MR. KANE: Object to form. He has 2 reviewed it in preparation, but not 3 necessarily this morning. 4 MR. LEVIN: Right. I'm sorry. I 5 shouldn't have said this morning. 6 BY MR. LEVIN: 7 Q. But you reviewed this prior to the 8 deposition. Do you see the document? 9 MR. KANE: We see the File 10 Explorer. Let's go off the record. 11 (At this time, a discussion was 12 held off the record.) 13 (At this time, the court reporter 14 marked Exhibit WOLK-2 for identification.) 15 MR. LEVIN: This is Wolk-2. 16 BY MR. LEVIN: 17 Q. Do you see the document now? 18 A. Yes, sir. 19 Q. I'm just going to read the top. 20 It says, This investigation has sustained the 21 following violations of Police Department 22 Directive 9.4 against Police Officer Joseph Wolk; 23 it states your badge number, Highway Patrol. 24 9.4 is the vehicular pursuit</p>	<p>Page 62</p> <p>1 what I was asking you before. You know, you've 2 established there's a traffic violation, and I 3 understand the fact that he failed to stop, so 4 forth. But under the directive in question, that 5 still doesn't rise to the level of what you would 6 engage in this type of pursuit for, right? 7 A. That's correct. 8 MR. LEVIN: We may come back to 9 that. Let me stop sharing now. 10 BY MR. LEVIN: 11 Q. Also, I wanted to ask you, I know 12 that you stated initially when you were going to 13 make the stop on Tacony Street, you had your 14 lights and -- did you have your sirens on? 15 A. Yes. 16 Q. Now, at some point in time, did 17 you deactivate those? 18 A. I did not. 19 MR. KANE: Object to form. 20 BY MR. LEVIN: 21 Q. I'm just going to represent to 22 you, I know there's a couple of witness 23 statements as well as video, two of which we've 24 actually seen, where your lights are no longer</p>
<p>Page 61</p> <p>1 directive, right? 2 A. Yes. 3 Q. Okay. I'm going to jump down to 4 the third paragraph. It says, Police Officer 5 Wolk attempted to apprehend the operator at 6 Scattergood Street and Eadom Street, but the 7 motor scooter managed to elude the officer who 8 was on foot at that time. Driver failed to 9 yield, fled northbound on Eadom Street, and 10 eventually collided into the side of a truck. 11 The motor scooter's operator was killed as a 12 result of the collision. 13 Directive 9.4, Section 1-B-2 14 states, In all other circumstances, initiating a 15 vehicular pursuit is strictly prohibited. 16 Accordingly, initiating a pursuit solely for 17 stolen vehicles and traffic violations, including 18 DUI, is strictly prohibited. 19 So, that basically states that 20 this pursuit was a violation of the directive, 21 that stated section of the directive; would you 22 agree? 23 A. That's correct. 24 Q. So this sort of goes back into</p>	<p>Page 63</p> <p>1 on. Obviously the video, you can't tell with the 2 sirens, but the lights at least are clearly off 3 by the time you make the left turn from Fraley 4 onto James. 5 They don't go off by themselves, 6 right? 7 MR. KANE: Objection to form. You 8 can answer. 9 THE WITNESS: No. 10 BY MR. LEVIN: 11 Q. That would take some affirmative 12 action on your part? 13 MR. KANE: Objection to form. You 14 can answer. 15 THE WITNESS: Yes, or they 16 malfunctioned, but. 17 BY MR. LEVIN: 18 Q. Are you aware of any malfunction 19 with the vehicle? 20 A. I am not, no. 21 Q. Is it your normal practice to do a 22 sort of pretrip inspection of the vehicle before 23 you head out when you go in at the beginning of 24 your shift?</p>

<p>Page 64</p> <p>1 A. It is, yes.</p> <p>2 Q. Is that required, by the way?</p> <p>3 A. We're supposed to do it, yes.</p> <p>4 Q. Would your emergency equipment,</p> <p>5 lights and sirens, be among the things, the items</p> <p>6 that you check for functionality?</p> <p>7 A. Yes.</p> <p>8 Q. So, assuming that you had your</p> <p>9 lights and sirens on on Tacony Street but they're</p> <p>10 off by the time that you're at Fraley and James,</p> <p>11 at what point in time did you deactivate them?</p> <p>12 MR. KANE: Objection to form. You</p> <p>13 can answer.</p> <p>14 THE WITNESS: Yeah. After being</p> <p>15 told through the IA report that at a</p> <p>16 certain point they were off, I don't know</p> <p>17 how -- if I accidentally knocked them off</p> <p>18 or why they were off. I have no reason</p> <p>19 to turn them off. They said they were</p> <p>20 off. Whether they were off on the video,</p> <p>21 I might have accidentally hit it or</p> <p>22 something fell and knocked them off. I</p> <p>23 don't know. I can't answer that</p> <p>24 question.</p> <p>Page 65</p> <p>1 BY MR. LEVIN:</p> <p>2 Q. Okay. Where is the control for</p> <p>3 those features located within the cruiser?</p> <p>4 A. To the right of my -- it's the</p> <p>5 console.</p> <p>6 Q. To the right of the console, like</p> <p>7 more on the passenger's side?</p> <p>8 A. The center console, it will be in</p> <p>9 between, to the right that I would operate with</p> <p>10 my right hand, around the hip area.</p> <p>11 Q. As we sit here today, do you have</p> <p>12 any recollection of engaging in anything during</p> <p>13 that portion of this sequence of events that</p> <p>14 would have potentially turned off your emergency</p> <p>15 equipment?</p> <p>16 A. I do not.</p> <p>17 Q. And I'm going to assume you don't</p> <p>18 really remember when that occurred?</p> <p>19 A. I do not, no.</p> <p>20 Q. As you sit here today, you don't</p> <p>21 know whether that was intentional or accidental?</p> <p>22 If it was intentional, you don't know why you</p> <p>23 would have done it?</p> <p>24 A. It was not intentional. There</p>	<p>Page 66</p> <p>1 would be no reason to turn them off to try to</p> <p>2 stop someone.</p> <p>3 Q. Okay. So, anyway, here we are</p> <p>4 back on Eadom going down northbound and one of</p> <p>5 the streets eastbound is taken to get back down</p> <p>6 to James, right?</p> <p>7 A. That's correct.</p> <p>8 Q. And then the pursuit continues</p> <p>9 southbound on James to Scattergood?</p> <p>10 A. That's correct.</p> <p>11 Q. Now, once this goes down</p> <p>12 Scattergood, you managed to pull up ahead of</p> <p>13 Ryan, correct?</p> <p>14 A. I was actually next to Ryan. He</p> <p>15 was on my left.</p> <p>16 Q. Okay. Did you pull up, like, in</p> <p>17 front of him or to either side in order to stop</p> <p>18 his progress so you could get out of the car and</p> <p>19 apprehend him?</p> <p>20 MR. KANE: Objection to form. You</p> <p>21 can answer.</p> <p>22 THE WITNESS: When I was on</p> <p>23 Scattergood Street, I was next to him. I</p> <p>24 was hollering out the window to tell him</p> <p>Page 67</p> <p>1 to stop before he gets hurt, several,</p> <p>2 several times. He slowed up almost to a</p> <p>3 stop, and then I pulled in front of his</p> <p>4 vehicle and got out of my vehicle.</p> <p>5 BY MR. LEVIN:</p> <p>6 Q. At that point in time, where was</p> <p>7 the scooter situated in relation to your vehicle?</p> <p>8 A. At what point?</p> <p>9 Q. At the point where he slowed down</p> <p>10 almost to a stop and you sort of pull over?</p> <p>11 A. He's on my left. He's slowing</p> <p>12 down. He comes to a stop, and then I pull my</p> <p>13 vehicle in front of him.</p> <p>14 Q. Okay. Now, as you turned onto</p> <p>15 Scattergood or any time while you were traveling</p> <p>16 on James coming up to Scattergood, did you see a</p> <p>17 blue Ford that eventually ended up being involved</p> <p>18 in this sequence of events?</p> <p>19 A. No, I did not.</p> <p>20 Q. When was the first time that you</p> <p>21 saw that vehicle?</p> <p>22 A. When I got out of my vehicle, and</p> <p>23 I had grabbed Ryan, Mr. Miller, on the scooter.</p> <p>24 He was pushing back on his feet, and I was trying</p>
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<p style="text-align: right;">Page 68</p> <p>1 to hold a firm grip of him so he couldn't pull 2 away. And eventually, he pushed back, hit the 3 gas. I had him by the back the shirt. The back 4 of his shirt ripped. And as I was reentering my 5 car, I noticed a car drove by me, making a 6 right-hand turn behind the scooter. 7 Q. Okay. And he took off at a pretty 8 good speed after the scooter, didn't he, the 9 driver of the blue car? 10 A. I would say so, yes, around the 11 turn. I didn't see -- he just blurred right by 12 me out of the corner of my eye. 13 Q. And I know that after Ryan went 14 down there, you had to run to get back to your 15 car, correct? 16 A. That's correct. 17 MR. KANE: Objection to form. 18 BY MR. LEVIN: 19 Q. When you pulled onto Scattergood, 20 you weren't really consciously aware of that blue 21 car? 22 A. No. I was actually driving 23 looking at Ryan telling him to stop, stop, you're 24 going to get hurt, and he came to a slow speed,</p>	<p style="text-align: right;">Page 70</p> <p>1 MR. LEVIN: I apologize for the 2 alliteration. 3 (At this time, a short break was 4 taken.) 5 BY MR. LEVIN: 6 Q. At this point in time, sir, what I 7 think we're going to do is put up the video of 8 the portion of the pursuit on Scattergood Street. 9 Bear with me while I fumble around with my tech 10 again. 11 Here we go. Are you now looking 12 at a still video frame? 13 A. Yes. 14 Q. Don't leave me hanging there, 15 buddy. 16 A. I'm sorry. 17 Q. I'm going to play this. This goes 18 on for a couple minutes before the cars show up. 19 So I apologize for the delay, but I tried to fast 20 forward through this, and it will not display if 21 we do so we're stuck watching it. 22 (At this time, the video is being 23 played.) 24</p>
<p style="text-align: right;">Page 69</p> <p>1 and then he came to a stop. 2 Q. Okay. At any point in time before 3 you see the blue car turn down Eadom after Ryan, 4 did you see the car pulled over anywhere on 5 Scattergood or approaching up to the intersection 6 of Scattergood and Eadom? 7 A. No. 8 Q. So your first real perception of 9 that car is when it's going down Eadom after 10 Ryan? 11 A. It's going past me, making a 12 right-hand turn after Ryan; that's correct. 13 Q. And that's immediately after Ryan 14 sort of gave you the slip, right? 15 MR. KANE: Objection to form. You 16 can answer. 17 THE WITNESS: I wouldn't say slip. 18 BY MR. LEVIN: 19 Q. He managed to escape your grasp 20 when you had him by -- 21 A. I had him. I had control of him. 22 His foot stepped on the gas, I tried to pull him 23 off, his shirt ripped, and he made the right 24 turn.</p>	<p style="text-align: right;">Page 71</p> <p>1 BY MR. LEVIN: 2 Q. Before we get to the actual 3 portion of the video that we need to talk about, 4 have you seen the video from this vantage point 5 before? 6 A. Yes. 7 Q. And judging from the location, 8 would you agree that this is taken from the 9 perspective of the facility called Net Steps 10 that's there off on Bridge Street? 11 A. I believe so. I'm not sure. This 12 is not an area -- I really don't drive back here 13 unless somebody lives back here or something. 14 It's isolated. 15 Q. It certainly is that. 16 In the top right portion of the 17 screen, there's what looks to be a business, 18 white walls and there's a half brick wall. 19 Do you know if that's a place 20 called Fibber McGee's? 21 A. I have no idea what that is. 22 Q. Do you know of a bar that's called 23 Fibber McGee's that's right off of Bridge Street, 24 near Bridge and Tacony?</p>

<p>Page 72</p> <p>1 A. Now I know it's there, but I never 2 knew it was there.</p> <p>3 Q. Okay. So, after the fact you 4 know?</p> <p>5 A. Yes, yes.</p> <p>6 Q. Okay. So, I just paused the video 7 at 7:27:19 p.m., at least the time stamp on this 8 video, which may or may not be completely 9 accurate.</p> <p>10 Did you see the vehicle that 11 pulled in ahead of where you see the scooter and 12 the front of your vehicle?</p> <p>13 A. Yes. The one that's on the block 14 already?</p> <p>15 Q. Yes, it's already on the block.</p> <p>16 A. Yes, I see it.</p> <p>17 Q. Okay. So, that pulled into 18 Scattergood before you guys had pulled along the 19 street, correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Were you aware of that vehicle or 22 its occupant's presence at any time before that 23 happened?</p> <p>24 A. No.</p>	<p>Page 74</p> <p>1 where it picks up again. All right. I think we 2 just watched a segment that's a couple seconds 3 long. I stopped it at 7:27:29 p.m., which is, I 4 think, what you basically just described, Ryan 5 slowing down.</p> <p>6 As he's doing that, you pull over, 7 and that would be towards your left?</p> <p>8 A. That's correct.</p> <p>9 Q. And that's sort of at least 10 partially -- he can't go completely straight at 11 that point, correct?</p> <p>12 A. That's correct.</p> <p>13 Q. You're partially in front of him?</p> <p>14 A. That's correct.</p> <p>15 Q. It appears you pulled over a 16 little bit further, and when you open up your 17 driver's side door, that's in front of what would 18 have been Ryan's path of travel up until that 19 point; is that fair to say?</p> <p>20 A. Yes.</p> <p>21 Q. He managed to back up the bike, 22 and it looks like he scooted around behind the 23 back of your vehicle as you got out?</p> <p>24 A. That's correct.</p>
<p>Page 73</p> <p>1 Q. Now, I stopped it just a couple 2 seconds later at 7:27:25 p.m.</p> <p>3 Would you agree that we can now 4 see the blue, what we now know to be a Ford, 5 pulled over to the right side on Scattergood?</p> <p>6 A. Yes.</p> <p>7 Q. It seems to be letting you pass. 8 Your vehicle seems to be pretty much alongside 9 Ryan's vehicle at that point?</p> <p>10 A. Yes. That's when I'm talking to 11 him, pulling up that block, through my driver's 12 side window.</p> <p>13 Q. Okay. And what do you recall 14 saying?</p> <p>15 A. I was saying, Stop, stop, you're 16 going to get hurt. I was screaming loud, Stop, 17 you're going to get hurt, and then he started 18 slowing down.</p> <p>19 Q. Did he appear to look at you? Did 20 he say anything in response?</p> <p>21 A. I never even seen his face. He 22 was looking straight. I just kept hollering at 23 him.</p> <p>24 Q. Okay. I'll play this through to</p>	<p>Page 75</p> <p>1 Q. And where we have this frozen at 2 7:27:36, you had gotten up to the corner of the 3 house at Scattergood and Eadom, and you're now 4 heading back to your vehicle, which is still 5 pulled over with the door open, right?</p> <p>6 A. That's correct.</p> <p>7 Q. Meanwhile, only feet from you is 8 that Ford Taurus, correct?</p> <p>9 A. I think, when I seen the video 10 before, I think it's a Ford Fusion.</p> <p>11 Q. Oh, it's a Fusion. I'm sorry.</p> <p>12 A. Yes.</p> <p>13 Q. At that point in time, did you 14 have the opportunity to see who was occupying 15 that vehicle?</p> <p>16 A. As it went by me, I seen his face 17 as he went around me.</p> <p>18 Q. Okay. And that ended up being 19 somebody you actually knew, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Let me play this through to the 22 end. I've now frozen it at 7:27:42 p.m., at 23 which point you've just gotten back into your 24 vehicle, which is still stopped, and Ryan and the</p>

<p style="text-align: right;">Page 76</p> <p>1 Ford have both driven down Eadom Street and just 2 got off the screen, correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Now, by 7:27:50 p.m., you've 5 followed in the same direction down Eadom Street 6 behind the Ford, which is in back of Ryan, right?</p> <p>7 MR. KANE: Objection to form. You 8 can answer.</p> <p>9 THE WITNESS: I'm not sure. I see 10 the taillights, way ahead of me, of the 11 Ford; I don't see Ryan, though.</p> <p>12 BY MR. LEVIN:</p> <p>13 Q. Okay. So there's a passenger 14 vehicle between you and the scooter, right?</p> <p>15 A. I'm sorry. Say that again?</p> <p>16 Q. So, that passenger vehicle, the 17 Ford, is between you and the scooter, so it's 18 blocking your line of sight to the scooter?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know where on Eadom Street 21 those vehicles were by the time that you had 22 gotten back in the car and started to drive?</p> <p>23 A. They were approximately a block 24 and a half ahead of me.</p>	<p style="text-align: right;">Page 78</p> <p>1 driving slower and sort of let that vehicle take 2 the lead at that point.</p> <p>3 Had you slowed down or eased up on 4 the pursuit when you got back into the vehicle?</p> <p>5 MR. KANE: Objection to form. You 6 can answer.</p> <p>7 THE WITNESS: I got back in my 8 vehicle, and I seen the taillights of the 9 Ford, but I didn't know if Ryan turned 10 down one of those side streets so I 11 wasn't going that fast.</p> <p>12 BY MR. LEVIN:</p> <p>13 Q. Okay. Was it your intention to 14 continue to try and follow Ryan to catch up with 15 him again?</p> <p>16 A. No, because I lost sight of him. 17 I was looking down side streets, if he made a 18 right on one of those side streets. I just lost 19 sight of him.</p> <p>20 Q. Did it appear to you that the Ford 21 that Gary was occupying also made a right down 22 the same side street or one of the side streets 23 at some point?</p> <p>24 A. Eventually I seen him turn right</p>
<p style="text-align: right;">Page 77</p> <p>1 Q. Now, when you had that brief 2 opportunity to see the occupant of the vehicle, 3 did it register right away that that was this 4 person, Gary Bove?</p> <p>5 A. I didn't know his name until 6 recently. I knew it was Gary, yeah. I knew him. 7 I didn't even know he was that close to me when I 8 seen that video. When he accelerated around the 9 corner, I had seen his face, a blur of his face.</p> <p>10 Q. Now, I don't know if you reviewed 11 any of the witness statements that AID took. 12 Did you have the opportunity to do 13 that?</p> <p>14 A. I'm not sure.</p> <p>15 Q. Okay. I'll represent there's one 16 by -- this may or may not refresh your 17 recollection. There was a statement by a 18 gentleman by Robert Matos, who I believe lives on 19 Eadom Street. He made a statement to the effect 20 that -- well, number one, he was under the 21 impression, apparently a false impression, that 22 Gary's car was also a police car because he took 23 off pretty aggressively after the scooter. 24 But he also believed that you were</p>	<p style="text-align: right;">Page 79</p> <p>1 on Fraley Street, eastbound on Fraley.</p> <p>2 Q. And you followed, correct?</p> <p>3 A. I was -- yes, I was behind him. I 4 seen the taillights when I made the turn, yes.</p> <p>5 Q. To be fair, you had lost a good 6 deal of time after you had gotten out of the car 7 before you got back in, and you could start 8 moving again, and those two vehicles were already 9 pretty well ahead of you at that point, right?</p> <p>10 MR. KANE: Objection to form. You 11 can answer.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. LEVIN:</p> <p>14 Q. So, if you had reacquired sight of 15 Ryan, was it your intention to continue to pursue 16 him?</p> <p>17 MR. KANE: Objection to form. You 18 can answer.</p> <p>19 THE WITNESS: No, he was gone. I 20 didn't see him anymore.</p> <p>21 BY MR. LEVIN:</p> <p>22 Q. Now, how do you know Gary?</p> <p>23 A. Gary is in the area, too. He's a 24 tow guy from the area that I've known for several</p>

<p>1 years. One time years ago, he gave me his number 2 if I needed his service to tow a car. He said, 3 If you break down, give me a call. 4 Q. Did you retain his number? 5 A. Yes. 6 Q. Do you still have it? 7 A. No. 8 Q. What happened to it? 9 A. I deleted it. I don't know if I 10 still have it. No, I changed phones over. I 11 don't have it anymore. 12 Q. Okay. And what you just described 13 when he gave you his number, was that before when 14 this incident occurred? 15 A. Oh, yes, yes. 16 Q. Around how long? Are we talking a 17 couple years? 18 A. Yeah, a couple years. 19 Q. So, you would run into him for at 20 least that period of time, in the course of just 21 being a Highway Patrol officer, right? 22 A. Yeah, he called me about 23 incidents. One time about people breaking into 24 his car. I told him to put cameras up or</p>	Page 80	<p>1 A. I do not recall. 2 Q. You mentioned he called you on a 3 couple of occasions when he had stuff that he 4 wanted to discuss with you. 5 He had your number as well? 6 A. Yes. 7 Q. Did you receive any calls or texts 8 from him on the date of this incident? 9 A. No. 10 Q. Do you still have the same cell 11 phone number as you did on the date of this 12 incident? 13 A. I believe so. 14 Q. And who was your cell phone 15 carrier? 16 A. At that time, I do not know. I 17 don't remember. I just changed it a few times. 18 Q. Do you know for sure whether or 19 not it's changed since the date of this incident? 20 A. Yeah, I changed it already, yes. 21 I changed it about a year ago. 22 Q. Okay. Who's your current carrier? 23 A. T-Mobile. 24 Q. And do you have any recollection</p>	Page 82
<p>1 whatever. One time he called me about his 2 granddaughter was raped by a family member, what 3 he should do. Basically, I talked to him 4 sporadically, once in a blue moon. It was just 5 somebody I knew that wasn't a friend, just 6 someone I knew in the area. 7 Q. Well, you're a Highway Patrol 8 officer, he's a tow truck operator; you were kind 9 of part of the same ecosystem, right? 10 MR. KANE: Objection to form. You 11 can answer. 12 THE WITNESS: We're Highway 13 Patrol; he's a tow truck operator. 14 Highway Patrol, we don't cover accidents. 15 Before when you asked what my 16 responsibility is, we respond to priority 17 jobs, shootings and robberies and stuff. 18 We don't handle auto accidents. 19 BY MR. LEVIN: 20 Q. Do you remember the circumstances 21 where you first met Gary? 22 A. Oh, no, no. 23 Q. Was it in connection with work or 24 was it, like, social kind of interaction?</p>	Page 81	<p>1 at all who your carrier was at the time of this 2 accident? 3 A. I think I had Simple Mobile at the 4 time. I had them for quite a long period of 5 time. 6 Q. Did you say it was Simple Mobile? 7 A. Simple Mobile. 8 MR. LEVIN: Off the record. 9 (At this time, a discussion was 10 held off the record.) 11 BY MR. LEVIN: 12 Q. Outside of work, have you ever 13 socialized with Gary or any of his family or 14 friends? 15 A. I don't know his family. I don't 16 socialize with him, no. 17 Q. The incident you just mentioned 18 where he contacted you because he had a family 19 member who was raped or sexually assaulted, when 20 was that in relation to this incident? 21 A. Years prior to that, maybe three 22 or four years. I believe his granddaughter was 23 raped. 24 Q. That's terrible.</p>	Page 83

<p>Page 84</p> <p>1 Did you have any communication or</p> <p>2 contact with him at any time in the months</p> <p>3 leading up to this incident?</p> <p>4 A. No. Like I said, sometimes I</p> <p>5 wouldn't talk to him or hear from him for at</p> <p>6 least a year, maybe more than that.</p> <p>7 Q. I'm going to jump ahead for a</p> <p>8 couple minutes -- first off, let me take down</p> <p>9 this video.</p> <p>10 Just jumping ahead to the end of</p> <p>11 the chase, I know that he was immediately behind</p> <p>12 Ryan's vehicle. And when I say immediately, he</p> <p>13 was ahead of you and behind Ryan when the</p> <p>14 accident occurred when Ryan ran into the truck.</p> <p>15 I know that you had gone up towards Tacony and</p> <p>16 Fraley after that had happened.</p> <p>17 Did you have any discussion with</p> <p>18 Gary at that point in time, like, at the scene?</p> <p>19 MR. KANE: Objection to form. You</p> <p>20 can answer.</p> <p>21 THE WITNESS: At what point you</p> <p>22 said? After?</p> <p>23 BY MR. LEVIN:</p> <p>24 Q. Yeah. After Ryan collided with</p>	<p>Page 86</p> <p>1 have to come back and make a statement. You were</p> <p>2 behind the scooter or whatever.</p> <p>3 Q. Okay. Did you discuss his</p> <p>4 participation in going after Ryan at any point in</p> <p>5 time?</p> <p>6 A. No.</p> <p>7 MR. KANE: Objection to form.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. LEVIN:</p> <p>10 Q. Did it appear to you that he was</p> <p>11 following after Ryan in the moments leading up to</p> <p>12 the crash?</p> <p>13 A. I don't know what he was doing.</p> <p>14 All I know, he was behind the scooter, way ahead</p> <p>15 of me.</p> <p>16 Q. Did he say anything to you about</p> <p>17 whether or not he knew who Ryan was?</p> <p>18 A. I had no conversation with him.</p> <p>19 He just told me he was on Tacony Street and when</p> <p>20 AID showed up, the officer there, I told him</p> <p>21 that -- I think he was standing next to the</p> <p>22 driver. I pulled down the street and said, The</p> <p>23 operator who was behind the scooter was up the</p> <p>24 street. I think he did a statement on the</p>
<p>Page 85</p> <p>1 the truck.</p> <p>2 A. Yes. I believe ten minutes later,</p> <p>3 the rescue came on the scene. I called his cell</p> <p>4 phone and said, Where are you at? You have to</p> <p>5 come back here and give the statement. He said</p> <p>6 he was still in the area. I think he was up on</p> <p>7 Tacony Street with the driver of the tractor</p> <p>8 trailer. I didn't see him. I said, Where did</p> <p>9 you go? You have to come back and make a</p> <p>10 statement because I remember seeing his face go</p> <p>11 by me. He was behind me.</p> <p>12 Q. Was that a telephone call or a</p> <p>13 text that you placed to him?</p> <p>14 A. I called him.</p> <p>15 Q. And what did he say? Did he say</p> <p>16 he would come back?</p> <p>17 A. He said he was still on --</p> <p>18 Q. Oh, he was right there?</p> <p>19 A. I believe he was -- I'm trying to</p> <p>20 remember. He was on Tacony Street. I believe he</p> <p>21 was further up south of the scene. I'm not a</p> <p>22 hundred percent sure where the truck driver was.</p> <p>23 Maybe it was further up. I don't know. I just</p> <p>24 remember telling him, wherever he was at, you</p>	<p>Page 87</p> <p>1 street, but I'm not sure. I had no conversation</p> <p>2 with him after that.</p> <p>3 Q. Okay. And you were the person who</p> <p>4 actually called into police to get somebody to</p> <p>5 come out to the accident scene, correct?</p> <p>6 A. Yes.</p> <p>7 Q. At the point when you did that,</p> <p>8 you just said that you had come upon the</p> <p>9 accident, right?</p> <p>10 A. No, I didn't say that. I believe</p> <p>11 I said a scooter -- I don't know if I said an</p> <p>12 accident with a scooter and a motor vehicle; send</p> <p>13 rescue.</p> <p>14 Q. At that point in time, you did not</p> <p>15 say anything about the back story, the pursuit</p> <p>16 that preceded all that, right?</p> <p>17 MR. KANE: Objection to form. You</p> <p>18 can answer.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MR. LEVIN:</p> <p>21 Q. Did it appear to you from when you</p> <p>22 saw Gary pulling up to the corner of Scattergood</p> <p>23 and Eadom and then go after Ryan or at least</p> <p>24 follow him down, did it appear to you that he was</p>

<p>Page 88</p> <p>1 involving himself in the pursuit of Ryan?</p> <p>2 MR. KANE: Object to the form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: I don't know what he</p> <p>5 was doing. He just happened to be on the</p> <p>6 block and seen me out of the vehicle, I</p> <p>7 guess. I didn't notice he was that close</p> <p>8 to me in that Ford until I seen the video</p> <p>9 and I seen the blur of his face going by.</p> <p>10 BY MR. LEVIN:</p> <p>11 Q. I mean, I had earlier referenced</p> <p>12 that guy Robert Matos' statement, and he said he</p> <p>13 thought that that car was actually a police car</p> <p>14 because he appeared to be going after him pretty</p> <p>15 quick and aggressively.</p> <p>16 Is that in line with what you were</p> <p>17 able to see? Obviously, you didn't think it was</p> <p>18 a police car, but did it seem that he was going</p> <p>19 after the scooter?</p> <p>20 A. He turned and was traveling in the</p> <p>21 same area the scooter was going. I don't know</p> <p>22 what he was doing.</p> <p>23 Q. Okay. Did he ever say what he was</p> <p>24 doing?</p>	<p>Page 90</p> <p>1 The Question 1, Are you the driver</p> <p>2 of Vehicle 1 or Vehicle 2; his answer was</p> <p>3 neither, witnessed auto accident. Question 2,</p> <p>4 what type of vehicle are you driving; answer,</p> <p>5 Ford Fusion, 2015. In parentheses, I was not</p> <p>6 involved.</p> <p>7 Number one, he was only being</p> <p>8 asked there what type of vehicle he was driving,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. So, the "I was not involved" was</p> <p>12 sort of something he volunteered in addition to</p> <p>13 what the question was asking for, right?</p> <p>14 MR. KANE: Objection to form.</p> <p>15 Speculation. You can answer.</p> <p>16 THE WITNESS: Say that again? I'm</p> <p>17 sorry.</p> <p>18 BY MR. LEVIN:</p> <p>19 Q. Well, let me ask you this way:</p> <p>20 The question didn't ask whether or not he was</p> <p>21 involved in the accident, it only asked him what</p> <p>22 kind of car he was driving, right?</p> <p>23 A. Yes.</p> <p>24 MR. KANE: Same objection.</p>
<p>Page 89</p> <p>1 A. No.</p> <p>2 Q. Did you ever see his written</p> <p>3 statement to AID?</p> <p>4 A. Yes.</p> <p>5 Q. It sort of gratuitously states, I</p> <p>6 was not involved in that. Do you feel that that</p> <p>7 is accurate?</p> <p>8 MR. KANE: Objection to the form.</p> <p>9 THE WITNESS: I don't believe I</p> <p>10 read that part. I read a few sentences,</p> <p>11 but I didn't read the whole thing.</p> <p>12 BY MR. LEVIN:</p> <p>13 Q. Do you see the accident</p> <p>14 investigation interview record?</p> <p>15 A. Yes.</p> <p>16 Q. And are you familiar with this</p> <p>17 form?</p> <p>18 A. No, I'm not.</p> <p>19 Q. It seems to be what AID was using</p> <p>20 for witness statements in this matter, and I</p> <p>21 guess they probably do it a lot.</p> <p>22 Towards the bottom, after all of</p> <p>23 the initial information up top, there's a couple</p> <p>24 of questions and answers listed.</p>	<p>Page 91</p> <p>1 BY MR. LEVIN:</p> <p>2 Q. He stated there, I was not</p> <p>3 involved. Do you feel that that's an accurate</p> <p>4 characterization?</p> <p>5 MR. KANE: Objection to form. You</p> <p>6 can answer.</p> <p>7 THE WITNESS: I can't say what he</p> <p>8 was saying or what he was doing exactly</p> <p>9 because I have no idea.</p> <p>10 BY MR. LEVIN:</p> <p>11 Q. Okay. Have you run into him since</p> <p>12 then?</p> <p>13 A. It was shortly after the accident,</p> <p>14 maybe a few weeks later he called me and he asked</p> <p>15 me how I was doing and whatever and that was</p> <p>16 basically it. That's the last time I talked to</p> <p>17 him.</p> <p>18 Q. Did you ever ask him why or what</p> <p>19 he was doing the date when he was basically just</p> <p>20 there during the pursuit of Ryan?</p> <p>21 A. I did not ask him, no.</p> <p>22 Q. Did it seem strange to you that</p> <p>23 that had happened?</p> <p>24 A. What? Him being there?</p>

<p>Page 92</p> <p>1 Q. Yeah, him being there and going --</p> <p>2 A. Yeah, I can't figure that one out.</p> <p>3 Like I said, in the video, it shows the car</p> <p>4 pulling over. I'm thinking maybe I was blowing</p> <p>5 the air horn and he heard that and pulled to the</p> <p>6 side. It's weird that I actually had seen his</p> <p>7 face when he turned the corner when I'm out of my</p> <p>8 vehicle. That's why I called him after I seen</p> <p>9 his face to come back and make a statement when</p> <p>10 he seen what was going on or whatever. I don't</p> <p>11 know if -- you know, he went around me, you know,</p> <p>12 what was he doing.</p> <p>13 Q. I'm going to show you your initial</p> <p>14 statement to AID. Bear with me. It's a two-step</p> <p>15 process every time. Now, what I'm showing you --</p> <p>16 MR. LEVIN: And, for the record,</p> <p>17 we'll mark the Bove statement as Wolk-3,</p> <p>18 and we'll mark Officer Wolk's statement</p> <p>19 to AID as Wolk-4.</p> <p>20 (At this time, the court reporter</p> <p>21 marked Exhibits WOLK-3 and 4 for</p> <p>22 identification.)</p> <p>23 BY MR. LEVIN:</p> <p>24 Q. Are you familiar with this</p>	<p>Page 94</p> <p>1 Scattergood and Eadom and exited my vehicle. The</p> <p>2 scooter was stopped behind me. The operator</p> <p>3 pushed the scooter backwards to maneuver around</p> <p>4 the rear of my vehicle. I grabbed the operator</p> <p>5 by the shirt and held ahold as the driver</p> <p>6 accelerated and the shirt ripped from the body.</p> <p>7 The operator made a northbound turn on Eadom</p> <p>8 Street, and that's when I lost sight of the</p> <p>9 scooter.</p> <p>10 So, this appears to state -- and</p> <p>11 correct me if I'm wrong -- after Ryan turned off</p> <p>12 of Tacony Street, it states that you catch up to</p> <p>13 him on James Street, and then the chase proceeds</p> <p>14 up to Scattergood Street, where you have the</p> <p>15 interaction that's described there, that we just</p> <p>16 talked about a few minutes ago, where you try to</p> <p>17 grab him, but he manages to get away. Gary goes</p> <p>18 off in the same direction after him.</p> <p>19 That account, correct me if I'm</p> <p>20 wrong, does not include the portion of this</p> <p>21 pursuit where you go down Eadom, there's the</p> <p>22 right turn maneuver that both vehicles make into</p> <p>23 the self-storage lot, back down Eadom, down</p> <p>24 Fraley or one other street, back up James, and up</p>
<p>Page 93</p> <p>1 document, your statement to AID?</p> <p>2 A. Yes.</p> <p>3 Q. Did you have a chance to review</p> <p>4 this prior to your deposition at some point?</p> <p>5 A. Yes.</p> <p>6 Q. Now, I think that we pretty much</p> <p>7 covered the bulk of the substance here, but on</p> <p>8 this first page, I believe it takes you sort of</p> <p>9 through what occurred on Tacony Street. The last</p> <p>10 question asked, Did the scooter come back into</p> <p>11 the northbound lanes after you passed it is the</p> <p>12 last question on that page; would you agree?</p> <p>13 A. Yes, I see it.</p> <p>14 Q. So, going onto Page 2 of the</p> <p>15 statement, it's asking what did you do next.</p> <p>16 Your answer appears to be, I made</p> <p>17 a U-turn and caught up to the scooter on the 5400</p> <p>18 block of James Street. Again, attempted to stop</p> <p>19 it, but the operator again refused to stop. It</p> <p>20 turned onto Scattergood Street and I followed.</p> <p>21 My vehicle was next to the scooter on</p> <p>22 Scattergood, and I yelled to the operator, Stop,</p> <p>23 stop, just stop.</p> <p>24 I pulled up to the corner of</p>	<p>Page 95</p> <p>1 Scattergood.</p> <p>2 It basically indicates Tacony, to</p> <p>3 Fraley, to James, to Scattergood, right?</p> <p>4 A. Yes.</p> <p>5 Q. So there's a portion there that</p> <p>6 isn't present, correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Then it sort of talks about the</p> <p>9 crash itself and the aftermath. It says --</p> <p>10 because I believe you had come down Fraley,</p> <p>11 starting to turn back up James before you saw</p> <p>12 this, right?</p> <p>13 A. Yes.</p> <p>14 Q. When you saw it, you stopped that</p> <p>15 turn onto James, back up, drove back down to</p> <p>16 Fraley, and then you're at the scene, right?</p> <p>17 A. Yes.</p> <p>18 Q. So, it looks like this is</p> <p>19 proceeding right to that. It talks about where</p> <p>20 was the scooter, you turned eastbound on Fraley</p> <p>21 from Eadom, making a turn onto James. When you</p> <p>22 look further down Fraley, you noticed the scooter</p> <p>23 and the operator laying on Tacony Street.</p> <p>24 So that portion also omits the</p>

<p>1 fact of Gary's presence, as well as the fact that 2 you knew that individual, right? 3 MR. KANE: Objection to form. 4 THE WITNESS: Say that question 5 again. I'm sorry. I lost you on that 6 one. 7 BY MR. LEVIN: 8 Q. This doesn't really discuss the 9 fact that Gary was present or that you knew Gary, 10 right? 11 A. I just noticed that, too. It's 12 not in there, you're correct. 13 Q. I'll show you the remainder. 14 There's nothing towards the end there. 15 So, that's not included, right? 16 The two basic portions that we just discussed 17 that we now know occurred, but weren't initially 18 discussed in the AID report; is that fair? 19 A. Yes, the AID report is basically a 20 brief synopsis of what happened. I didn't know 21 that the streets in between, the little tiny 22 streets because I never been back there. And I 23 also didn't have Gary in the AID report either, 24 that's correct.</p>	<p>Page 96</p>	<p>1 Q. Had she represented you in any 2 other matter before? 3 A. No. 4 Q. Now, I'm going to page through 5 this. I'll represent it's a six-page statement, 6 so I'm just going to get to the areas that we 7 just discussed. 8 I think this is where we're 9 looking at. Do you see where my cursor is? 10 A. Yes. 11 Q. This is around midway down what's 12 marked as Defense 018. Question is, On May 7, 13 '19, did you attempt to make a traffic 14 stop/vehicle investigation on a motorcycle or 15 motorized scooter in the area of Tacony Street 16 and Fraley Street. 17 I'll skip your answer to that 18 question and take it down to the next paragraph 19 because it sort of picks up from where we were 20 just discussing. 21 It states, As I approached the 22 curve, I noticed in my side view mirror that the 23 motorcycle was making a U-turn. I made a U-turn 24 and attempted to stop him again. Motorcycle made</p>	<p>Page 98</p>
<p>1 Q. Okay. It's months afterwards, I 2 believe, that you finally gave a statement to 3 Internal Affairs, right? 4 A. Yes. 5 MR. KANE: Object to the form. 6 MR. LEVIN: I'll put that up. 7 This is Wolk-5. 8 (At this time, the court reporter 9 marked Exhibit WOLK-5 for identification.) 10 BY MR. LEVIN: 11 Q. What I put up here is the 12 statement you gave to Internal Affairs. I assume 13 that you had the opportunity to review this as 14 well? 15 A. Yes. 16 Q. This was actually given, it looks 17 like, September 4, 2019, so it's almost four 18 months after the fact, right? 19 A. Yes. 20 Q. It looks like you were represented 21 by counsel who was also present during this, 22 since that's your right obviously; that was 23 Danielle Nitti? 24 A. I believe so.</p>	<p>Page 97</p>	<p>1 a right turn on Fraley Street. I got behind him 2 once again southbound on James. I had blown my 3 air horn in an attempt to get him to stop. It 4 went south on James Street and made a right turn 5 on a small street, possibly Simon Street -- which 6 is something we discussed earlier, right? 7 A. Yes. 8 Q. The motorcycle drove southbound on 9 Eadom, and he drove through a parking lot and 10 doubled back onto northbound Eadom. I lost sight 11 of him briefly when he had gone into the parking 12 lot. I noticed him in my rear view mirror 13 exiting the lot area and heading north on Eadom 14 Street. 15 You then proceed to say the 16 motorcycle went down another small street towards 17 James Street and he made a southbound turn onto 18 James. I continued to blow the air horn for him 19 to stop. The motorcycle turned westbound onto 20 Scattergood Street. Once on Scattergood Street, 21 I pulled alongside of the motorcyclist and told 22 him to stop before he had gotten hurt. He 23 stopped the motorcycle. I pulled in front of 24 him. I exited my vehicle and went to the</p>	<p>Page 99</p>

<p>1 motorcycle.</p> <p>2 As I approached the male, again,</p> <p>3 pushing the motorcycle backwards with his feet, I</p> <p>4 got close enough to grab the male by his shirt.</p> <p>5 As I grabbed him, he accelerated and began to</p> <p>6 drive away. His shirt ripped, and he left</p> <p>7 Scattergood Street and turned right onto</p> <p>8 northbound Eadom Street.</p> <p>9 I remember seeing a civilian</p> <p>10 vehicle. I recognized the driver as a local tow</p> <p>11 truck operator named Gary, who operates in the</p> <p>12 Northeast. I saw him either on Scattergood or</p> <p>13 Eadom Street. The motorcycle went northbound on</p> <p>14 Eadom Street. I saw Gary turn right and begin to</p> <p>15 drive in the same direction as the motorcycle.</p> <p>16 And then we know the rest of the story.</p> <p>17 First off, have I read all of that</p> <p>18 correctly?</p> <p>19 A. Yes.</p> <p>20 Q. And do you recognize that as the</p> <p>21 statement that you had given to Internal Affairs?</p> <p>22 A. Yes.</p> <p>23 Q. Now, would it be fair to say that</p> <p>24 in this statement about the events of that day,</p>	<p>Page 100</p> <p>1 Q. When, if you recall, did you first</p> <p>2 hear there was an IAD investigation into this</p> <p>3 incident?</p> <p>4 A. I do not recall.</p> <p>5 Q. Do you know if it was within a</p> <p>6 month of the incident?</p> <p>7 A. I do not recall.</p> <p>8 Q. Nonetheless, by the time that you</p> <p>9 had gone into -- it was some months later, you</p> <p>10 had the opportunity to, if you want, to revisit</p> <p>11 the scene. Let me stop there.</p> <p>12 You would have had the</p> <p>13 opportunity, if you wanted to in that four-month</p> <p>14 period, to revisit the scene and refresh your</p> <p>15 memory, right?</p> <p>16 A. I did do that. The name of the</p> <p>17 streets, I didn't know. I went back and got the</p> <p>18 street names back there.</p> <p>19 Q. I had to go and do this whole</p> <p>20 ride, too.</p> <p>21 Did you know that when Internal</p> <p>22 Affairs was doing their investigation, they would</p> <p>23 go canvas for video and witnesses and so forth?</p> <p>24 A. I guess that's their routine, I</p>
<p>Page 101</p> <p>1 which, again, is four months after the Accident</p> <p>2 Investigation Division statement, you do mention</p> <p>3 the one part where you're on Eadom, go down to</p> <p>4 the self-storage lot, there's the turnaround,</p> <p>5 back down Eadom, and ultimately loop back around</p> <p>6 James, and up Scattergood, and then you mentioned</p> <p>7 Gary, correct?</p> <p>8 A. Yes.</p> <p>9 Q. So both of those things that were</p> <p>10 omitted in the initial account you gave to AID,</p> <p>11 you can see that you recall them at the time when</p> <p>12 you spoke to Internal Affairs?</p> <p>13 MR. KANE: Objection to form.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. LEVIN:</p> <p>16 Q. Now, when Internal Affairs</p> <p>17 commenced the investigation into whether there</p> <p>18 had been a departmental policy violation, were</p> <p>19 you notified of that?</p> <p>20 A. Yes.</p> <p>21 Q. Are you entitled to be provided</p> <p>22 notice when you're being investigated by IAD?</p> <p>23 A. They send you a court notice.</p> <p>24 They don't tell you until you get a court notice.</p>	<p>Page 103</p> <p>1 guess, yes.</p> <p>2 Q. And that's an assumption that you</p> <p>3 would have made; fair to say?</p> <p>4 A. Yes.</p> <p>5 Q. So, by this time, four months</p> <p>6 later, they've had the opportunity to go out, and</p> <p>7 you've had the opportunity, if you wanted to, to</p> <p>8 go out, which I think you said that you did just</p> <p>9 to sort of familiarize yourself with the streets</p> <p>10 and such, you would have been perfectly able to</p> <p>11 see where there were outside cameras as well if</p> <p>12 you wanted to, right?</p> <p>13 A. I didn't look for cameras. I was</p> <p>14 looking for street signs so I knew which streets</p> <p>15 I went up and down.</p> <p>16 Q. Okay. Nonetheless, you provided a</p> <p>17 statement that offered additional detail that</p> <p>18 previously wasn't provided, right?</p> <p>19 A. Yes.</p> <p>20 MR. KANE: Objection to form.</p> <p>21 BY MR. LEVIN:</p> <p>22 Q. Now, we touched on it earlier, IAD</p> <p>23 ultimately determined there was a violation of</p> <p>24 the pursuit directive, right?</p>

<p>Page 104</p> <p>1 A. Yes.</p> <p>2 Q. And do you have any understanding</p> <p>3 of other than the fact, because we already</p> <p>4 discussed it earlier in your testimony, they</p> <p>5 determined that the pursuit shouldn't have been</p> <p>6 initiated; is that fair?</p> <p>7 A. That's correct.</p> <p>8 Q. They found some additional, I</p> <p>9 guess, what we would call procedural violations</p> <p>10 once it had been initiated; is that fair to say?</p> <p>11 A. That's correct.</p> <p>12 Q. Specifically, I think they --</p> <p>13 well, first off, the type of vehicle that you</p> <p>14 were in, an SUV, under Directive 9.4, that's not</p> <p>15 one of the types of vehicles permitted to engage</p> <p>16 in vehicular pursuits?</p> <p>17 A. I'm not sure on that. I know on</p> <p>18 the one report, it was the AID report that had me</p> <p>19 in a Chevy Tahoe. It wasn't a Tahoe, which we</p> <p>20 use now all the time. It was the --</p> <p>21 Q. You had an Explorer, right?</p> <p>22 A. Yes, Ford Explorer is what the</p> <p>23 department has.</p> <p>24 Q. My understanding, and correct me</p>	<p>Page 106</p> <p>1 A. Yes.</p> <p>2 Q. So, it states, that an officer is</p> <p>3 justified in initiating a vehicular pursuit only</p> <p>4 when they are in close proximity to a suspect</p> <p>5 vehicle and believes a pursuit is necessary to</p> <p>6 prevent the death or serious bodily injury of</p> <p>7 another person, or in close proximity to a</p> <p>8 suspect vehicle and believes both that the</p> <p>9 pursuit is necessary to effect the arrest or</p> <p>10 prevent escape.</p> <p>11 And the officer has probable cause</p> <p>12 to believe that the person being pursued has</p> <p>13 committed or attempted a forcible felony; or has</p> <p>14 probable cause to believe that the person being</p> <p>15 pursued presents as a deadly weapon other than</p> <p>16 the vehicle itself.</p> <p>17 Would you agree that those</p> <p>18 requirements were not met on the facts of this</p> <p>19 particular situation?</p> <p>20 MR. KANE: Objection to form. You</p> <p>21 can answer.</p> <p>22 THE WITNESS: Yes, I guess.</p> <p>23 BY MR. LEVIN:</p> <p>24 Q. Again, not to beat a dead horse</p>
<p>Page 105</p> <p>1 if I'm wrong, is that marked patrol cars, like</p> <p>2 passenger cars, not SUVs, are the types of</p> <p>3 vehicles that are authorized to engage in</p> <p>4 vehicular pursuits?</p> <p>5 A. I'm not sure on that one.</p> <p>6 Q. Let me put it up then.</p> <p>7 Once again, I'm sharing my screen.</p> <p>8 Do you see up on your screen Directive 9.4?</p> <p>9 A. Yes.</p> <p>10 Q. And this is the Philadelphia</p> <p>11 Police Department's policy directive on vehicular</p> <p>12 pursuits that was in effect at the time when this</p> <p>13 incident happened?</p> <p>14 A. It was updated in '16. I think</p> <p>15 so, yes.</p> <p>16 Q. Are you aware of any updates after</p> <p>17 that date?</p> <p>18 A. I don't, no.</p> <p>19 Q. Okay. So, I'm just going to get</p> <p>20 through to the types of vehicles, and I think</p> <p>21 that's under General Procedures and Guidelines.</p> <p>22 Before we even do that, the policy</p> <p>23 addresses what the permitted justifications for</p> <p>24 initiating a vehicular pursuit are, right?</p>	<p>Page 107</p> <p>1 over this, but IAD determined that it wasn't</p> <p>2 justified under that standard, right?</p> <p>3 A. Yes.</p> <p>4 Q. And it actually lists what the</p> <p>5 forcible felonies are that would sort of fall</p> <p>6 under that umbrella, correct?</p> <p>7 A. Yes.</p> <p>8 Q. None of those really were involved</p> <p>9 here, right?</p> <p>10 A. No.</p> <p>11 Q. While I'm fumbling around looking</p> <p>12 for what I'm looking for, IAD had also determined</p> <p>13 there was a violation in procedure in that the</p> <p>14 pursuit wasn't called in, right?</p> <p>15 A. Yes.</p> <p>16 Q. I think the policy also requires</p> <p>17 that once you initiate the pursuit, you maintain</p> <p>18 contact throughout, right?</p> <p>19 A. Yes.</p> <p>20 Q. And that wasn't done here either?</p> <p>21 A. No.</p> <p>22 Q. Policy requires that your lights</p> <p>23 and sirens are activated during the pursuit?</p> <p>24 A. Yes.</p>

<p>Page 108</p> <p>1 Q. And as we see from videos, at 2 least in one respect, that was not done here? 3 A. Yes. 4 Q. And, also, I believe you're 5 supposed to prepare a pursuit memorandum after 6 the fact? 7 A. Yes. 8 Q. And that wasn't done here either, 9 correct? 10 A. That's correct. 11 Q. Let's be clear that that's the 12 same policy that IAD determined was violated in 13 the McKenna incident? 14 MR. KANE: Objection to form. You 15 can answer. 16 MR. LEVIN: Not necessarily the 17 same specifics, but 9.4 in general, 18 correct? 19 THE WITNESS: I believe so. I 20 believe so. 21 MR. LEVIN: I recognize that 22 there's differences in the facts. 23 We'll mark the Directive 9.4 as 24 Wolk-6.</p>	<p>Page 110</p> <p>1 A. Yes. 2 Q. Obviously, vehicle pursuits can 3 involve some serious risks, both to yourself, to 4 whoever the fleeing suspect might be, as well as 5 to bystanders, correct? 6 MR. KANE: Objection to form. 7 THE WITNESS: Yes. 8 BY MR. LEVIN: 9 Q. And that's sort of the basis for 10 why these types of policies are developed so that 11 you have some guidance, right? 12 MR. KANE: Objection to the extent 13 it's speculative, but you can answer. 14 BY MR. LEVIN: 15 Q. Let me ask you this: You're not 16 supposed to just be out there as a police officer 17 with absolutely unbound discretion to do whatever 18 you want, right? 19 A. Absolutely correct. 20 Q. You're supposed to be guided by 21 the policies that the police force has in place? 22 A. Yes. 23 Q. And in the case of vehicular 24 pursuits, the police department has developed a</p>
<p>Page 109</p> <p>1 (At this time, the court reporter 2 marked Exhibit WOLK-6 for identification.) 3 BY MR. LEVIN: 4 Q. And the pursuit policy itself, is 5 that -- that's something you're trained on as a 6 police officer in Philadelphia? 7 A. Yes. 8 Q. Now, I know that we discussed that 9 one was last revised in 2016. Is there any -- 10 when they revised the policy of the nature -- I 11 mean, obviously you've been on the force a lot 12 longer than that. 13 How do they advise you that the 14 policy has been updated? 15 A. They come through with training 16 materials. Usually every one or two years, we 17 get updated training forms that we sign for. 18 Q. Is there any type of classroom 19 instruction or the similar? 20 A. No. It's mostly on the training 21 of the directive. 22 Q. Okay. So you're given the written 23 materials and you're expected to absorb it, 24 right?</p>	<p>Page 111</p> <p>1 policy which they feel strikes a balance between 2 law enforcement needs, as well as public safety 3 needs, right? 4 MR. KANE: Objection to form. You 5 can answer. 6 THE WITNESS: Yes. 7 BY MR. LEVIN: 8 Q. And those are the main 9 considerations that are at play, right, because 10 you're trying to enforce the laws but not 11 unnecessarily endanger anybody? 12 A. Yes. 13 Q. So, just because things get heated 14 or there is something that sort of makes you want 15 to go after a person, if their conduct or the 16 facts don't fit into the directive, you're not 17 permitted to initiate that pursuit; is that fair? 18 A. Yes. 19 Q. So, notwithstanding what we just 20 discussed in this particular situation, it was 21 basically a traffic violation and you ended up 22 pursuing the vehicle without calling it in, 23 maintaining contact, or preparing a pursuit 24 memorandum, and at some point, a civilian seems</p>

<p>1 to jump in and get himself involved; is that 2 fair?</p> <p>3 MR. KANE: Objection to form. 4 THE WITNESS: Yes.</p> <p>5 BY MR. LEVIN:</p> <p>6 Q. Now, are you aware of any prior 7 interactions that Ryan Miller had with the police 8 within the year that this incident occurred?</p> <p>9 A. Slightly after that incident 10 happened, someone informed me that he was being 11 investigated for a sexual crime or something like 12 that.</p> <p>13 Q. Do you have any specifics on that?</p> <p>14 A. He pulled a knife on a girl and 15 had her do a sexual favor on him or something.</p> <p>16 Q. From what my understanding is -- 17 you know, the parents had been informed of what 18 had happened.</p> <p>19 My understanding is that he 20 received oral sex from a girl that was younger 21 than him, and it was captured on video. I guess 22 he shot a cell phone video of it.</p> <p>23 Did you ever hear anything about 24 that incident in that kind of granular detail?</p>	<p>Page 112</p>	<p>1 BY MR. LEVIN:</p> <p>2 Q. We're back on the record. I just 3 provided you with a name off the record. 4 Does that name mean anything to 5 you?</p> <p>6 A. No idea who that is.</p> <p>7 Q. Do you know if Gary is related to 8 anybody by the last name Ortiz?</p> <p>9 A. I have no idea who Gary is related 10 to.</p> <p>11 Q. Your partner at the time when the 12 McKenna incident occurred, was his name Soto?</p> <p>13 A. Oh, no, no, no. That day -- my 14 regular partner was Soto, but he was off. It's 15 William Toto.</p> <p>16 Q. Your regular partner was Soto, 17 though?</p> <p>18 A. He was my regular partner for many 19 years, that's correct.</p> <p>20 Q. Do you know if he is related to 21 anybody by the last name Ortiz?</p> <p>22 A. No.</p> <p>23 Q. I had just run a Lexis search 24 recently on Gary Bove, and there's a person that</p>	<p>Page 114</p>
<p>1 A. No, I did not hear any detail 2 afterwards about what happened.</p> <p>3 Q. Did you ever hear what the name of 4 that person was, the girl that was involved?</p> <p>5 A. No, I did not.</p> <p>6 Q. I've got some indication -- and I 7 cannot swear by this, but then again, I'm not 8 sworn as a witness -- that it might have been a 9 girl named --</p> <p>10 MR. KANE: Do you want to do that 11 off the record, Michael, since she's 12 underage?</p> <p>13 MR. LEVIN: That's a very good 14 point.</p> <p>15 BY MR. LEVIN:</p> <p>16 Q. We're about to go off the record, 17 and I'm going to provide you with the name of who 18 we believe may be the minor girl that was 19 involved, and then I'll go back on the record and 20 ask you some questions.</p> <p>21 Okay?</p> <p>22 A. Sure.</p> <p>23 (At this time, a discussion was 24 held off the record.)</p>	<p>Page 113</p>	<p>1 came up as an associate named Michelle Ortiz.</p> <p>2 Do you have any idea who that 3 individual is?</p> <p>4 A. I have no idea who is he 5 associated with.</p> <p>6 Q. All right. We're getting very 7 close to the end.</p> <p>8 I just want to go over a couple of 9 things. These had come up in your deposition, I 10 think, in the McKenna matter, which is where I 11 ran across them. I just wanted to ask you a 12 couple of quick questions on these. Bear with 13 me. What we're looking at --</p> <p>14 MR. LEVIN: And we'll mark this as 15 Wolk-7.</p> <p>16 (At this time, the court reporter 17 marked Exhibit WOLK-7 for identification.)</p> <p>18 BY MR. LEVIN:</p> <p>19 Q. What we're looking at is a 20 four-page document. It's actually a couple of 21 documents, which I believe are performance 22 evaluation reports for you, and some of these go 23 back quite a long time.</p> <p>24 As an officer, are you given</p>	<p>Page 115</p>

<p>1 annual performance evaluations?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Are you provided with the</p> <p>4 results of those evaluations once they occur? Do</p> <p>5 you get a copy of these things once they're</p> <p>6 written up?</p> <p>7 A. People get a copy. You're able to</p> <p>8 view it and either agree with it and sign it, or</p> <p>9 disagree if you want to argue it.</p> <p>10 Q. And that's part of your overall</p> <p>11 civil service protections and such?</p> <p>12 A. No. It's the performance report,</p> <p>13 they put in there your duties, how you're</p> <p>14 performing.</p> <p>15 Q. So, this first one, which appears</p> <p>16 to be dated February 3, 1998. I can't really</p> <p>17 make out the name of the rater, it looks like</p> <p>18 James, maybe Kinny?</p> <p>19 A. Kimrey.</p> <p>20 Q. Okay. How do you spell that?</p> <p>21 A. K-I-M-R-E-Y.</p> <p>22 Q. So, just to go through the</p> <p>23 narrative section of what he put down on this</p> <p>24 form, it says, Police Officer Joseph Wolk has</p>	<p>Page 116</p> <p>1 Police Officer Wolk was only sick two days last</p> <p>2 year -- which, by the way, I have beat since the</p> <p>3 pandemic. 18 PT one's; 184 vehicles; 71 P/S; 227</p> <p>4 TVR's.</p> <p>5 I guess those were statistics that</p> <p>6 he's referring to?</p> <p>7 A. Yes.</p> <p>8 Q. Displays the aggressive nonstop</p> <p>9 attitude he exudes. Officer Wolk accepts orders</p> <p>10 in a willing manner and has a talent to foresee</p> <p>11 future problems and take action on his own to</p> <p>12 correct any unpleasantness.</p> <p>13 Have I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. Going down to the next one, which</p> <p>16 is dated 2011, it looks like the rater is a</p> <p>17 Lieutenant William?</p> <p>18 A. Sergeant William Kleincard (ph).</p> <p>19 Q. Okay. He's a sergeant?</p> <p>20 A. Yes.</p> <p>21 Q. In the comments to the employee,</p> <p>22 it states, You're an integral member of the</p> <p>23 squad. Your time in service as well as your time</p> <p>24 here in Highway Patrol are evident in your</p>
<p>Page 117</p> <p>1 been under my direct supervision since 12/22/97.</p> <p>2 Since this time, he's demonstrated that he is a</p> <p>3 dependable and aggressive patrol officer with a</p> <p>4 great working knowledge of East Division, which</p> <p>5 is a great asset of this unit. I'm looking</p> <p>6 forward to the great contribution and recognition</p> <p>7 that I'm sure you'll bring to this unit. Good</p> <p>8 luck, and I wish you continued success in all you</p> <p>9 do.</p> <p>10 Have I read that correctly?</p> <p>11 A. You did.</p> <p>12 Q. All right. The next one that I've</p> <p>13 got, it looks like it's from 2003. And I would</p> <p>14 not even be able to begin to try and decipher who</p> <p>15 the rater is on this.</p> <p>16 A. Let me see. 03? I can't get that</p> <p>17 one.</p> <p>18 Q. Yeah, it's very faint.</p> <p>19 Looking at the comments to the</p> <p>20 employee up towards the top -- and it's very,</p> <p>21 very similar to the last one. It says, Police</p> <p>22 Officer Wolk is a very active police officer for</p> <p>23 the Highway Patrol. He's a member of the drill</p> <p>24 team and takes great pride in his appearance.</p>	<p>Page 119</p> <p>1 approach to the public and your peers alike. He</p> <p>2 misspelled peers. I commend you on your service</p> <p>3 as a member of the Highway Patrol drill team. I</p> <p>4 do understand you've had some changes in your</p> <p>5 personal life recently and you've had to focus</p> <p>6 more of your attention at home. I appreciate you</p> <p>7 keeping me informed of issues as they arise.</p> <p>8 I do want to take this opportunity</p> <p>9 to remind you that we, as a unit, are driven by</p> <p>10 activity and are relied upon to have an impact in</p> <p>11 the areas we're deployed through aggressive</p> <p>12 patrol. I would encourage you to take</p> <p>13 promotional tests when practical. Keep up the</p> <p>14 hard work.</p> <p>15 I've read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Last one, this is from 2013, and</p> <p>18 it looks like it's also by the same rater.</p> <p>19 States, you are a valued member of the squad.</p> <p>20 Your time in service as well as your time here in</p> <p>21 Highway Patrol are evident in your approach to</p> <p>22 the public and your peers alike. Same</p> <p>23 misspelling of peers.</p> <p>24 A. I'll tell him.</p>

<p style="text-align: right;">Page 120</p> <p>1 Q. He states, I commend you on your 2 service as a member of the Highway Patrol and 3 drill team. You always volunteer when needed and 4 can be counted on to handle any and all 5 assignment with little or no supervision. I do 6 want to take this opportunity to remind you that 7 we, as a unit, are driven by activity and are 8 relied upon to have an impact in the areas we are 9 employed through aggressive patrol.</p> <p>10 I would encourage you to take 11 promotional tests when practical as I feel you 12 would have a positive impact. Keep up the great 13 work.</p> <p>14 Not only did I read that 15 correctly, but I smell a cut-and-paste job?</p> <p>16 MR. KANE: Objection to form. 17 BY MR. LEVIN:</p> <p>18 Q. The question I have, you've heard 19 me read through these four evaluations by three 20 different reviewers, I believe, and uniformly, 21 all of them use the term aggressive.</p> <p>22 Do you believe that that is part 23 of what you're rated on in terms of your 24 performance of a Philadelphia police officer,</p>	<p style="text-align: right;">Page 122</p> <p>1 A. Yes.</p> <p>2 Q. And what you state on your behalf 3 making your pitch, it states, I feel with the 4 experience and knowledge I've gained working in 5 the 26th District, where I'm very aggressive and 6 make numerous arrests, it would be an asset to 7 the police department if I were transferred to 8 Highway Patrol. I also have the experience and 9 ability to operate a motorcycle.</p> <p>10 I've read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Was this application approved? 13 Was this the one that got you onto Highway 14 Patrol?</p> <p>15 A. I think I put two in when I was in 16 the 26th District. That's '93. There might have 17 been a second one I put in. Matter of fact, 18 there was a second one, because it was closer to 19 the time I was transferred, which would be '97.</p> <p>20 Q. All right. That's probably going 21 to be the next one. Oh, maybe not. The next one 22 is '95.</p> <p>23 It looks like you were in the 26th 24 at the time; does that sound correct?</p>
<p style="text-align: right;">Page 121</p> <p>1 your aggressiveness as a police officer?</p> <p>2 MR. KANE: Objection to form. You 3 can answer.</p> <p>4 THE WITNESS: Yes.</p> <p>5 MR. LEVIN: I'll bring up the next 6 one. This will be Wolk-8.</p> <p>7 (At this time, the court reporter 8 marked Exhibit WOLK-8 for identification.) 9 BY MR. LEVIN:</p> <p>10 Q. These are Wolk-8. These are from 11 the same deposition. These are the exhibits from 12 the McKenna case. I pulled them off the federal 13 court docket in that case. These appear to be 14 applications for transfer that you made at 15 various points in time over the course of your 16 career with the department.</p> <p>17 The first one being dated June 2, 18 1993, and it looks like it was endorsed by an 19 inspector, James Donnelly.</p> <p>20 Do you recall making this 21 application?</p> <p>22 A. Yes.</p> <p>23 Q. And that's your signature there on 24 the line that my cursor is hovering at?</p>	<p style="text-align: right;">Page 123</p> <p>1 A. Yes, I was.</p> <p>2 Q. And, again, this is a document 3 that you prepared to apply for a transfer?</p> <p>4 A. Yes, the Major Crimes Auto Squad.</p> <p>5 Q. It states with the -- again, this 6 is what you put in, I guess on your behalf, 7 right?</p> <p>8 A. Yes.</p> <p>9 Q. I feel with the experience and 10 knowledge I've gained working in the 26th 11 District, where I am very aggressive and make 12 numerous arrests, including --</p> <p>13 A. Re-vined.</p> <p>14 Q. -- re-vined -- I know what that 15 is -- autos, it would be an asset to the police 16 department if I was transferred to the Major 17 Crimes Auto Squad.</p> <p>18 Again, I've read that all 19 correctly, right?</p> <p>20 A. Yes.</p> <p>21 Q. Finally, I think this is the one 22 you had just touched on in '97. Is this where 23 you ended up getting transferred to Highway 24 Patrol?</p>

<p>Page 124</p> <p>1 A. Yes, yes.</p> <p>2 Q. This one states, again, this is</p> <p>3 you on your behalf, I feel with the experience</p> <p>4 and knowledge I have gained on the 26th District</p> <p>5 currently assigned to Five Squad Burglary Detail,</p> <p>6 where I'm very aggressive making numerous arrests</p> <p>7 in problem/high crime areas within the 26th</p> <p>8 District, that I would be an asset to the Highway</p> <p>9 Patrol if I was respectively transferred.</p> <p>10 I guess that was ultimately</p> <p>11 approved, right?</p> <p>12 A. Yes.</p> <p>13 Q. Now, again, this is you and I</p> <p>14 couldn't help but notice, it's the same word</p> <p>15 that's being used uniformly by you every time</p> <p>16 that was also used in your performance</p> <p>17 evaluation, that you're aggressive.</p> <p>18 How is that defined by you in</p> <p>19 terms of how you approach police work?</p> <p>20 A. Aggressive is when you're assigned</p> <p>21 to a certain area or assigned when you're doing</p> <p>22 your job. Aggressive is going out there, looking</p> <p>23 at wanted posters, looking at the computer, see</p> <p>24 what goes on in the area, see who the</p>	<p>Page 126</p> <p>1 I know that I had seen after -- in your testimony</p> <p>2 in the McKenna matter, that seemed to have some</p> <p>3 emotional effects on you; would that be fair to</p> <p>4 say?</p> <p>5 MR. KANE: Are you talking about</p> <p>6 McKenna?</p> <p>7 MR. LEVIN: Yeah.</p> <p>8 BY MR. LEVIN:</p> <p>9 Q. What happened with Bailey McKenna,</p> <p>10 that accident?</p> <p>11 A. Absolutely, yes.</p> <p>12 Q. Can you sort of describe for me</p> <p>13 what you were experiencing after that?</p> <p>14 A. Well, I witnessed a death. I</p> <p>15 mean, a few deaths, a lot on the job. Hundreds</p> <p>16 of deaths, different situations. You know, him</p> <p>17 striking the side of my vehicle, I'm next to him</p> <p>18 trying to tell him to stay with me and all that</p> <p>19 stuff. Including this case here, someone young</p> <p>20 died, who if you're not a human being and have a</p> <p>21 heart, it's taken effect on me and I see a</p> <p>22 behavioral doctor.</p> <p>23 Q. Now, I saw in your answers to</p> <p>24 discovery in this case -- maybe it was in the</p>
<p>Page 125</p> <p>1 perpetrators are. I was always at work doing</p> <p>2 something. I made countless, thousands of</p> <p>3 arrests my whole career.</p> <p>4 Q. I certainly don't want to get into</p> <p>5 semantics, but it sounds that what you're</p> <p>6 describing there is what I kind of consider as</p> <p>7 proactive, which is another occupational buzzword</p> <p>8 that a lot of people throw around, meaning that</p> <p>9 you try to get on top of things; you stay ahead</p> <p>10 of things.</p> <p>11 Do you distinguish that type of</p> <p>12 meaning from the more common understanding of</p> <p>13 aggressive is like a physicality kind of thing?</p> <p>14 A. Not exactly.</p> <p>15 Q. I mean, were you using the term</p> <p>16 aggressive or were your supervisors in grading</p> <p>17 you using the term aggressive in some other way</p> <p>18 as it's commonly understood?</p> <p>19 A. No.</p> <p>20 MR. KANE: Objection to form.</p> <p>21 THE WITNESS: No. Absolutely not.</p> <p>22 BY MR. LEVIN:</p> <p>23 Q. Now, final thing. I guess it's</p> <p>24 slightly personal, so I'm going to tread lightly.</p>	<p>Page 127</p> <p>1 Internal Affairs stuff, there's some reference to</p> <p>2 you seeking some therapy after this thing with</p> <p>3 Ryan.</p> <p>4 Had you seen anybody for therapy</p> <p>5 after the McKenna thing and before the incident</p> <p>6 with Ryan?</p> <p>7 A. After McKenna and continuing to</p> <p>8 this day. I've also witnessed, coming home from</p> <p>9 work, someone decapitated on a motorcycle that I</p> <p>10 had to take action out of my car. I'm in</p> <p>11 uniform. People are looking at me. I'm in</p> <p>12 uniform on a highway. It builds up.</p> <p>13 People don't know what you take</p> <p>14 home with you. I got to a boiling point that --</p> <p>15 doing the deposition and all, you sit here and</p> <p>16 it's 33 years doing this, I've been involved in</p> <p>17 four shootouts, close range shot at, numerous</p> <p>18 things that it's taken effect that it's just --</p> <p>19 one thing in the police department, I talk to a</p> <p>20 lot of, with my partner, male officers, female</p> <p>21 officers, especially male, I tell them, don't</p> <p>22 keep everything inside of you. If you seek help.</p> <p>23 I give numbers out. I'm that kind of person</p> <p>24 always helping other officers who come to me.</p>

<p style="text-align: right;">Page 128</p> <p>1 They know my number; call me if you need help.</p> <p>2 I've been there.</p> <p>3 One thing I put my partner on is</p> <p>4 if he hears someone on the radio or we go to a</p> <p>5 job and someone committed suicide, he would say,</p> <p>6 oh, how can that person do that. I turned around</p> <p>7 and said, Don't ever say that in front of me</p> <p>8 again because I don't say too much to him about</p> <p>9 what I've gone through; he knows a little bit.</p> <p>10 But personally, I understand that more than ever.</p> <p>11 I've been there.</p> <p>12 I tell people, people who say</p> <p>13 they're going to commit suicide, don't; the</p> <p>14 people who don't say it, do it. I said I finally</p> <p>15 took the step myself, years ago, and same</p> <p>16 counselor to this day. I'm still seeing him</p> <p>17 actively. It's a job that -- you know, being a</p> <p>18 police officer, it takes effect on your life. I</p> <p>19 try to keep it out of the home, you know, I try</p> <p>20 to keep it inside and continuously get help for</p> <p>21 that. It's not easy.</p> <p>22 Q. And thank you for your candor. I</p> <p>23 am sensitive to the fact that this is a job that</p> <p>24 can involve close proximity to violence, to</p>	<p style="text-align: right;">Page 130</p> <p>1 plenty of shootouts; I shouldn't be here right</p> <p>2 now. One of the guys was shot at -- this is</p> <p>3 between me and Derek -- and he missed me.</p> <p>4 I said to this day, I'm here for a</p> <p>5 reason, including Ryan Miller. I played back all</p> <p>6 night long thinking about it saying, I had him.</p> <p>7 What if I took him to the ground. I keep</p> <p>8 replaying when he was going the wrong way on the</p> <p>9 roadway, I just seen disaster coming. That's why</p> <p>10 I took action to stop him.</p> <p>11 Like I said, it's hard. It's very</p> <p>12 hard. I get more thanks than ever being a police</p> <p>13 officer out there. People like you, you don't</p> <p>14 know what we take home with us. That's why</p> <p>15 suicide is so high in police. I lost a partner</p> <p>16 in 1991. I almost quit the job, but I continued,</p> <p>17 and I just kept my approach to being a good cop</p> <p>18 and doing what I had to do. And my guys, my</p> <p>19 younger guys, call me for everything. I don't</p> <p>20 mind that. I tell them, you need to call. I'm</p> <p>21 like a psychiatrist. People do call me.</p> <p>22 Even off the job, I have friends</p> <p>23 that have problems. Give me a call, and let's go</p> <p>24 grab a drink or whatever. I've been through</p>
<p style="text-align: right;">Page 129</p> <p>1 death, and that has an inherent effect on the</p> <p>2 human brain, no matter what. You know, people</p> <p>3 manifest that in very different ways.</p> <p>4 So let me ask you this: Have you</p> <p>5 ever been diagnosed, as a result of all that,</p> <p>6 with PTSD?</p> <p>7 A. Yeah, PTSD. I was already</p> <p>8 diagnosed with that, yeah, not too long ago.</p> <p>9 With this matter here, I'm looking</p> <p>10 at a view of observing Mr. Miller going the wrong</p> <p>11 way on a highway. When I lost my good friend at</p> <p>12 work, Brian Lorenzo, in 2012, he was killed by a</p> <p>13 driver going the wrong way on 95 right close to</p> <p>14 my house, where I was living at the time. I put</p> <p>15 my uniform back on and went to that scene. I</p> <p>16 still can't erase it from my head what I seen.</p> <p>17 Someone you work with, and you know, you just</p> <p>18 try -- I tell officers when we come upon death of</p> <p>19 someone close, it's hard at first, and then you</p> <p>20 start healing.</p> <p>21 I spoke to my guys, who gave me a</p> <p>22 hug one day, and I stood in front of them and</p> <p>23 said, I've been through partners who were killed</p> <p>24 in the line of duty. I've been involved in</p>	<p style="text-align: right;">Page 131</p> <p>1 this. It's taken a toll on me, let's put it that</p> <p>2 way. It really has. This coming up now, I</p> <p>3 told Derek --</p> <p>4 MR. KANE: Hold on. You can't</p> <p>5 tell him anything we spoke about.</p> <p>6 MR. LEVIN: I don't want to hear</p> <p>7 what you told Derek, unless you're just</p> <p>8 shooting crap about sports or something.</p> <p>9 THE WITNESS: I'm sorry.</p> <p>10 MR. LEVIN: I do appreciate it.</p> <p>11 This is real talk and this is kind of</p> <p>12 important.</p> <p>13 BY MR. LEVIN:</p> <p>14 Q. Now, you had mentioned that you</p> <p>15 lost -- did you say a partner or just a co-worker</p> <p>16 in a similar kind of thing going down the wrong</p> <p>17 way?</p> <p>18 A. Brian Lorenzo in 2012. I just</p> <p>19 left him at work. He was riding his motorcycle</p> <p>20 home. Drunk driver going the wrong way on 95 at</p> <p>21 Cottman. I seen the videos and all. I was</p> <p>22 there. I was done work, got my uniform back on,</p> <p>23 and went up there. What I've seen, I'll never be</p> <p>24 able to erase it from my mind.</p>

<p>Page 132</p> <p>1 Q. So, you mentioned that your mind 2 flashed to that when you saw Ryan going the wrong 3 way? 4 A. Absolutely. 5 Q. Do you think that that might have 6 had an effect on all this stress that you carried 7 around that played in a role in you sort of 8 departing from policy in doing this? 9 MR. KANE: Objection to form. 10 THE WITNESS: It wasn't departing 11 from policy, it was stopping his actions 12 to know what was going on, suicidal or 13 DUI, before something happened to him. 14 That's what I can say to you. And I had 15 him stopped and wish I would have tackled 16 him so all this would have never 17 happened. 18 BY MR. LEVIN: 19 Q. Okay. Let me backtrack that 20 because that was probably a poorly asked 21 question. 22 When you saw Ryan doing that, you 23 flashed back to your experience with Mr. Lorenzo, 24 that brings up some feelings for you when that</p>	<p>Page 134</p> <p>1 BY MR. LEVIN: 2 Q. We're back on the record after our 3 break. Staying along the same lines, we already 4 established that this sort of took you back with 5 the incident with Officer Lorenzo -- and, by the 6 way, it didn't click to me until we were on break 7 and you mentioned where this incident with 8 Officer Lorenzo happened. 9 Is he the same person that on 95, 10 it's now the Officers Lorenzo and O'Scanlon 11 Memorial Highway? 12 A. O'Hanlon was killed right by the 13 same location, '85; he was run over by a tanker 14 truck that caught fire. So they dedicated the 15 highway to Officer O'Hanlon and Officer Lorenzo, 16 that part, yes. 17 Q. So that's the same Lorenzo, 18 correct? 19 A. Yes. 20 Q. Now, obviously that brings up a 21 lot of emotions, right? 22 A. Yes. 23 Q. As we look back now, as you look 24 back in your mind's eye that day, with Ryan, do</p>
<p>Page 133</p> <p>1 happens, right? 2 MR. KANE: Objection to form. You 3 can answer. 4 THE WITNESS: Yes. 5 BY MR. LEVIN: 6 Q. Do you feel that may have to some 7 degree -- take policy out it. Do you feel that 8 that feeling, what you experienced then in some 9 way informed your actions that day? 10 MR. KANE: Objection to form. You 11 can answer. 12 THE WITNESS: Yes. I wanted him 13 to stop what was going on, not knowing 14 what was going on with him before 15 something happened, his well-being. 16 MR. LEVIN: Sir, I don't have 17 anything else. Thank you for hanging in 18 there for that last part. 19 MR. KANE: I have a couple very 20 brief questions. Let's take a 21 five-minute break. 22 (At this time, a short break was 23 taken.) 24</p>	<p>Page 135</p> <p>1 you feel that that reaction could have clouded 2 your judgment in any way during the course of 3 this pursuit? 4 MR. KANE: Objection to form. 5 THE WITNESS: Judgment? 6 BY MR. LEVIN: 7 Q. You know, you have to make some 8 decisions, right, as you're doing your job there 9 and this type of situation. 10 So you have to make some judgments 11 as you're making some decisions, right? 12 A. Yes. 13 Q. Do you feel that your emotional 14 reaction to that could have affected you in the 15 course of discharging your duties that day? 16 A. I don't think it was emotional. 17 What I observed just brought back -- seeing him 18 in that oncoming lane, going towards oncoming 19 traffic, which put myself at risk of shooting up 20 ahead of him in case contact with a car or a car 21 swerves and misses him. I don't know what was 22 going to happen, but I put myself up there in 23 that spot to save him from if someone came around 24 that turn and would have gotten hurt.</p>

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1 Q. But at some point fairly early in
2 this sequences of events, on that danger
3 dissipated? He ends up going the right way down
4 Tacony, and he's traveling gown Fraley and James
5 and all that. That immediate threat you were
6 reacting to is now dissipated, but yet the
7 pursuit continues. And there's a couple of times
8 that you're in very close proximity to the
9 scooter, and we've already discussed there are
10 risks.

11 If you make a hard turn and you
12 hit the guy on the scooter, it's all over for
13 that guy. Thank God that didn't happen, but
14 there were a couple of close moments there during
15 the course of this.

16 So, I'm just sort of trying to get
17 a sense of after that danger dissipated, where
18 your head was at.

19 MR. KANE: Objection to form.
20 Argumentative. You can answer it.

21 THE WITNESS: When I got up to
22 Fraley Street and James, it looks only a
23 little bit of time that went by. From
24 the video showing, it looks like my

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1 vehicle swerved in front of his. It
2 would have damaged my car or injured him.
3 So, I would not put my car in front of
4 someone to do that. It was a very short
5 period I had him stopped.

6 BY MR. LEVIN:

7 Q. Anyway, you end up, after all this
8 is done, at the accident scene, correct?

9 A. Yes.

10 Q. And did you have an opportunity to
11 observe the injuries to Ryan?

12 A. Yes.

13 Q. What did you see?

14 A. He had a head wound.

15 Q. It was very severe, correct?

16 A. Yes.

17 Q. There was Officer Sevino -- he
18 might not be an officer, he might have a
19 different rank, but he was the guy that came and
20 did the accident investigation. He had indicated
21 there was also some blood from where Ryan struck
22 on the trailer body of the truck.

23 Did you see that?

24 A. No.

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1 Q. Did it appear that Ryan was
2 responsive in any way, or do you feel that he
3 died immediately as a result of his injuries?

4 A. I believe he died immediately.

5 MR. LEVIN: All right. I have
6 nothing further.

7 MR. KANE: Very briefly.

8 BY MR. KANE:

9 Q. Officer Wolk, do you remember what
10 kind of vehicle Mr. Miller was using on the day
11 we've been talking about?

12 A. What he was operating?

13 Q. Yes.

14 A. It was a street legal
15 Yamaha scooter -- street legal scooter.

16 Q. Just a moment ago, you mentioned
17 when you initially tried to stop Mr. Miller when
18 he was in the wrong lane, you believed that he
19 posed a danger to oncoming drivers as well as
20 himself; is that correct?

21 A. Absolutely.

22 Q. Okay. And I just want to -- and
23 what kind of danger to oncoming drivers do you
24 think he posed at that time?

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1 A. Well, he was in the wrong lane of
2 traffic. Someone coming around that turn could
3 have struck him or swerved and lost control of
4 their car and crashed and been seriously hurt.

5 Q. Okay. I just want to go back to
6 the term aggressive as we saw in some of the
7 performance reviews. Can you, again, tell us in
8 your own words what you understand that to mean?

9 What's aggressive police work?

10 A. Yes. If an outside civilian is
11 reading that word, what you're reading on a paper
12 as aggressive, you may take it differently than
13 that's meant in policing. Like I said, to go out
14 there every day, do the job, get Wanted fliers.
15 Get the people who are wanted out there, and do
16 the work to change an area you're assigned to.

17 The 26th and all that stuff, when
18 I was assigned there, aggressive was -- I was
19 part of burglary detail. I did schematics of
20 burglary areas in plainclothes going out there
21 each night aggressively -- I changed my hours for
22 the certain time burglaries would happen to be
23 out there to make the arrests and interview
24 people I knew or whatever. So that's

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1 aggressively.

2 Highway Patrol, same thing, going
3 out in -- we're in high-crime areas every night.
4 It's shootings all night long trying to catch the
5 bad guys. We're not a car riding around
6 answering moderate calls, auto accidents, or
7 disturbance in the house. We're out there
8 responding to the big stuff, robberies,
9 stabbings, you know, wanted people. That's
10 aggressive.

11 To be in Highway Patrol, that's
12 what gets you there. You want to do police work,
13 not just ride around in a patrol car and maybe
14 stop a car here and there and direct traffic.
15 We're a different part of the unit, of the police
16 department.

17 Q. Just to be clear, the description
18 you just gave, is that what you believe the full
19 definition of aggressive is in the context we've
20 been talking about?

21 A. Absolutely. It's not aggressive
22 as far as what the public thinks of aggressive.
23 If someone is talking to you about being
24 aggressive, grabbing someone or doing something,

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1 no, it's not that. It's going out there and
2 going above your responsibilities of a police
3 officer.

4 MR. KANE: That's all the
5 questions I have. There might be some
6 follow-ups based on that.

7 MR. LEVIN: I do not. Thank you
8 for your time and your indulgence. I
9 know it got a little hairy and personal,
10 but thanks for hanging in there.

11 MR. KANE: Thank you, everyone.
12 (Witness excused.)
13 (Deposition ended at 1:05 p.m.)
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C E R T I F I C A T I O N

I, Julie A. Damiani, a
Professional Reporter and Notary Public
for the Commonwealth of Pennsylvania,
do hereby certify that the foregoing is
a true and accurate transcript of the
stenographic notes taken by me in the
aforementioned matter.

- - -

DATED: MAY 24, 2023

Julie Damiani

JULIE A. DAMIANI

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Explorer (5)	first (21)	gained (3)	handle (2)
extent (2)	fit (2)	Gary (19)	hanging (4)
exudes (1)	five (2)	Gary's (2)	happen (3)
eye (3)	five-minute (1)	gas (2)	happened (20)

happening (1)	identical (1)	intersection (2)	knowledge (6)
happens (1)	identification (7)	interstates (1)	known (1)
hard (5)	immediate (1)	interview (2)	knows (1)
harm (3)	Immediately (7)	intoxicated (1)	< L >
harm's (1)	impact (3)	investigated (2)	lane (10)
hate (1)	important (2)	investigation (9)	lanes (13)
head (7)	imposed (1)	involve (5)	language (1)
headed (1)	imposes (1)	involved (15)	larger (3)
heading (6)	impounded (1)	involves (1)	Laurel (1)
heads (1)	impression (2)	involving (2)	LAW (7)
healing (1)	incident (28)	isolated (1)	laws (1)
hear (6)	incidents (2)	issues (1)	lawsuit (3)
heard (2)	include (4)	items (1)	lawyers (1)
hears (1)	included (1)	its (1)	laying (1)
heart (1)	including (6)	< J >	lead (1)
heated (1)	increments (1)	James (41)	leading (4)
held (6)	indicate (1)	job (13)	leads (1)
helmet (2)	indicated (1)	jobs (1)	leave (2)
help (4)	indicates (2)	JOSEPH (7)	led (3)
helping (1)	indication (1)	judging (1)	left (15)
heroin (1)	individual (3)	judgment (2)	left-hand (3)
high (3)	individually (1)	judgments (1)	legal (7)
high-crime (1)	indulgence (1)	Julie (4)	letting (1)
Highway (24)	influence (1)	jump (4)	level (2)
hip (1)	information (1)	jumping (1)	LEVIN (135)
history (1)	informed (4)	June (1)	Lexis (1)
hit (4)	inherent (1)	justifications (1)	Lieutenant (3)
hold (2)	initial (5)	justified (3)	life (2)
hollering (2)	initially (3)	< K >	lightly (1)
home (6)	initiate (3)	KANE (98)	lights (12)
horn (3)	initiated (4)	keep (8)	likelihood (1)
horse (1)	initiating (4)	keeping (1)	line (5)
hour (1)	injured (1)	Kennedy (2)	lines (1)
hours (1)	injuries (4)	kept (3)	list (2)
house (3)	injury (4)	kids (3)	listed (2)
houses (1)	Inquiry (1)	killed (5)	lists (1)
hovering (1)	inside (2)	Kimrey (1)	literally (3)
Howell (2)	inspection (1)	K-I-M-R-E-Y (1)	litigated (1)
hug (1)	inspector (1)	kind (17)	little (22)
human (2)	instruction (1)	kinds (2)	lives (2)
hundred (2)	instructions (1)	Kinny (1)	living (1)
Hundreds (1)	integral (1)	Kleincard (1)	local (1)
hurt (8)	intention (2)	knew (14)	located (3)
< I >	intentional (5)	knife (1)	location (2)
I-95 (1)	interaction (2)	knocked (2)	long (9)
IA (1)	interactions (1)	know (85)	longer (3)
IAD (8)	Internal (14)	knowing (1)	look (5)
idea (9)	Internet (1)		looked (3)
	interrogatories (1)		

looking (20)	met (2)	needed (2)	omits (1)
looks (18)	MICHAEL (9)	needs (2)	omitted (1)
loop (1)	michael@flagerlaw.co	neighborhood (3)	once (9)
Lorenzo (8)	m (1)	neither (1)	oncoming (9)
lose (1)	Michelle (1)	Net (1)	one's (1)
losses (1)	midway (1)	never (9)	ongoing (1)
lost (11)	miles (1)	night (4)	open (3)
lot (35)	MILLER (14)	Nitti (1)	operate (2)
loud (1)	mind (4)	nonstop (1)	operates (1)
luck (1)	mind's (1)	normal (2)	operating (2)
	minor (1)	north (2)	operator (13)
< M >	minutes (6)	northbound (15)	opportunity (12)
main (1)	mirror (4)	Northbrook (2)	opposed (2)
maintain (1)	missed (1)	Northeast (1)	opposing (1)
maintaining (1)	misses (1)	Notary (2)	Oral (2)
Major (2)	misspelled (1)	notes (1)	order (2)
making (14)	misspelling (1)	notice (5)	orders (1)
male (5)	Mobile (3)	noticed (6)	original (2)
malfunction (1)	moderate (1)	notified (1)	Originally (2)
malfunctioned (1)	moment (2)	Notwithstanding (2)	Ortiz (3)
malicious (2)	moments (2)	November (1)	O'Scanlon (1)
manage (1)	monitor (1)	NUMBER (10)	outlaw (1)
managed (5)	month (1)	numbers (1)	outside (4)
manages (1)	months (9)	numerous (4)	overall (1)
mandatory (1)	moon (1)	nuts (1)	overlapping (1)
maneuver (10)	morning (4)		overpass (1)
maneuverable (1)	motion (1)	< O >	
manifest (1)	motor (15)	Object (4)	< P >
manner (1)	motorcycle (26)	Objection (75)	P.C (1)
March (1)	motorcycles (2)	objections (1)	p.m (6)
mark (5)	motorcyclist (1)	observe (1)	P/S (1)
MARKED (11)	motorized (1)	observed (3)	packed (1)
materials (2)	move (1)	observing (1)	PAGE (6)
Matos (2)	movement (1)	Obviously (7)	pandemic (1)
matter (11)	moving (2)	occasions (1)	paper (1)
matters (1)		occupant (1)	paragraph (2)
McGee's (2)	< N >	occupant's (1)	parentheses (1)
McKenna (21)	name (16)	occupational (1)	parents (1)
McKenna's (2)	named (6)	occupying (3)	parking (15)
mean (11)	names (1)	occur (3)	Parkway (1)
meaning (2)	narcotics (2)	occurred (13)	part (12)
meant (2)	narrative (5)	odds (1)	partially (2)
meet (1)	narrow (1)	offered (1)	participate (1)
member (7)	nature (7)	OFFICER (49)	participation (1)
memorandum (2)	NEAL (1)	officers (5)	particular (4)
Memorial (1)	near (2)	officer's (1)	parties (1)
memory (1)	necessarily (2)	Oh (10)	partner (9)
mention (1)	necessary (2)	O'Hanlon (2)	partners (1)
mentioned (9)	need (6)	Okay (72)	pass (2)

passed (1)	policies (2)	Professional (4)	reach (1)
passenger (4)	policing (1)	professionally (1)	reacquired (1)
passenger's (1)	policy (17)	progress (2)	reacting (1)
passing (1)	poorly (1)	prohibited (2)	reaction (3)
path (6)	populated (1)	promotional (2)	read (17)
Patrol (30)	portion (8)	prosecution (1)	reading (4)
patrols (1)	portions (1)	prostitution (1)	real (5)
paused (1)	posed (2)	protection (1)	realize (2)
peers (4)	position (1)	protections (1)	realized (1)
PENNSYLVANIA (5)	positive (1)	provide (1)	really (14)
people (20)	possession (1)	provided (5)	rear (3)
percent (2)	possibility (1)	proximity (6)	reason (8)
perception (1)	possibly (1)	psychiatrist (1)	reasons (1)
perfectly (1)	post (1)	PT (1)	recall (16)
Performance (7)	posters (1)	PTSD (2)	receive (2)
performing (1)	potential (1)	Public (6)	received (1)
period (4)	potentially (1)	pull (8)	recklessly (2)
permitted (3)	practical (2)	pulled (16)	recognition (1)
perpetrators (1)	practice (1)	pulling (3)	recognize (2)
person (16)	preceded (1)	pulls (1)	recognized (1)
personal (3)	preface (2)	pursue (2)	recollection (5)
personally (1)	preparation (1)	pursued (3)	record (24)
perspective (2)	prepare (1)	pursuing (2)	recording (1)
ph (2)	prepared (2)	pursuit (43)	recovered (1)
PHILADELPHIA	preparing (1)	pursuits (8)	red (1)
(11)	presence (2)	pushed (2)	reentering (1)
phone (4)	present (3)	pushing (2)	reference (2)
phones (1)	presents (1)	put (21)	referenced (2)
physicality (1)	president (2)		referred (1)
picks (2)	pretrip (1)	< Q >	referring (5)
pitch (1)	pretty (8)	quandary (1)	refresh (3)
place (2)	prevent (2)	question (26)	refused (1)
placed (1)	previously (3)	questioned (1)	regard (1)
plainclothes (1)	pride (1)	questions (8)	register (1)
plaintiff (1)	prior (6)	quick (4)	regular (5)
Plaintiffs (4)	priority (1)	quicker (1)	related (4)
plaintiff's (2)	proactive (1)	quit (1)	relation (3)
plan (1)	probable (2)	quite (2)	relied (2)
plant (1)	probably (9)		re-litigate (1)
platform (1)	problem (2)	< R >	re-litigating (1)
play (7)	problem/high (1)	radio (4)	relying (1)
played (6)	problems (2)	raising (1)	remainder (1)
playing (3)	procedural (1)	ramming (1)	remember (12)
please (2)	procedure (1)	ran (2)	remind (2)
plenty (1)	Procedures (1)	range (2)	repaid (1)
pocket (2)	proceed (1)	rank (1)	repeat (4)
point (54)	proceeding (2)	raped (3)	rephrase (1)
points (1)	proceeds (1)	rated (1)	replaying (1)
Police (48)	process (2)	rater (4)	Report (15)

Reporter (10)	roadblock (3)	September (1)	situation (8)
reports (1)	roadway (3)	sequence (5)	situations (2)
represent (6)	robberies (2)	sequences (1)	six (1)
represented (2)	Robert (2)	Sergeant (2)	six-page (1)
Representing (2)	role (1)	serious (5)	skip (1)
Requests (1)	route (2)	seriously (1)	Slightly (2)
required (1)	routine (1)	served (1)	slip (2)
requirements (1)	run (5)	service (8)	slow (2)
requires (2)	RYAN (43)	sets (3)	slowed (3)
rescue (2)	Ryan's (8)	settled (1)	slower (1)
reserved (1)	< S >	severe (1)	slowing (3)
resolved (3)	safety (3)	Sevino (1)	small (11)
respect (1)	sanitize (1)	sex (1)	smaller (1)
respective (1)	save (1)	sexual (2)	smell (1)
respectively (1)	saw (12)	sexually (1)	social (1)
respond (2)	saying (7)	share (1)	socialize (1)
responding (1)	says (6)	sharing (2)	socialized (1)
response (1)	Scattergood (30)	sharp (2)	sold (1)
responsibilities (2)	scene (9)	shift (2)	solely (1)
responsibility (1)	schematics (1)	shirt (7)	somebody (9)
responsive (1)	Schuylkill (2)	shooting (3)	somewhat (1)
rest (1)	scooted (1)	shootings (2)	sorry (11)
result (5)	scooter (56)	shootouts (2)	sort (36)
resulted (2)	scooters (1)	short (4)	Soto (3)
results (1)	scooter's (1)	shorter (1)	sound (1)
retain (1)	screaming (1)	shortly (3)	sounds (1)
retired (1)	screen (9)	shot (4)	sources (1)
retrieved (1)	sealing (1)	show (5)	south (5)
returned (1)	search (1)	showed (1)	southbound (20)
review (3)	second (2)	showing (3)	span (2)
reviewed (6)	seconds (3)	shows (3)	speaking (3)
reviewers (1)	section (8)	sick (1)	specifically (3)
Reviews (2)	see (64)	side (22)	specifics (2)
Re-vined (2)	seeing (6)	sides (1)	speculation (3)
revised (2)	seek (1)	sight (7)	speculative (2)
revisit (2)	seeking (1)	sign (2)	speed (3)
ride (3)	seemingly (1)	signature (1)	spell (1)
rider (1)	seen (25)	signing (1)	split (1)
riders (2)	segment (3)	signs (1)	spoke (3)
riding (8)	self-storage (4)	similar (4)	sporadically (1)
right (133)	semantics (1)	similarities (2)	sports (1)
right-hand (2)	seminars (1)	Simon (11)	spot (2)
rights (1)	send (2)	Simple (3)	squad (7)
rightward (1)	senior (1)	simultaneous (1)	square (1)
ripped (4)	sense (3)	simultaneously (1)	stabblings (1)
rise (2)	sensitive (1)	sir (11)	stamp (1)
risk (4)	sentences (1)	sirens (10)	standard (1)
risks (2)	separate (1)	sit (3)	standing (1)
road (4)		situated (1)	Stanley (3)

start (3)	supervisors (1)	thank (5)	trigger (1)
started (4)	supposed (6)	Thanks (3)	truck (10)
starting (2)	sure (15)	therapy (2)	true (1)
starts (1)	surrounding (1)	thereabouts (1)	try (18)
state (8)	suspect (3)	thing (13)	trying (18)
stated (5)	suspension (1)	things (12)	turn (57)
state-mandated (1)	sustained (1)	think (40)	turnaround (2)
Statement (27)	SUV (6)	thinking (2)	turned (30)
statements (4)	SUVs (3)	thinks (1)	turning (9)
STATES (16)	swear (1)	third (1)	turns (2)
statistics (1)	swerved (3)	Thirty-three (1)	TVR's (1)
status (1)	swerves (1)	thought (3)	Twice (1)
stay (4)	switched (1)	thousands (1)	two (19)
Staying (1)	sworn (2)	threat (1)	two-step (1)
stenographic (1)	synopsis (1)	three (4)	two-way (3)
step (2)	< T >	throw (1)	two-wheeled (1)
stepped (1)	tackled (1)	thrown (1)	type (12)
Steps (1)	Tacony (34)	time (87)	types (6)
stipulated (1)	tag (1)	Timeline (2)	< U >
stolen (1)	Tahoe (2)	times (6)	U-bey (1)
stood (1)	taillights (3)	T-intersection (1)	Ultimately (4)
stop (32)	take (24)	tiny (2)	umbrella (1)
stop/vehicle (1)	taken (8)	T-Mobile (1)	unbound (1)
stopped (14)	takes (3)	today (4)	unbound (1)
stopping (2)	talent (1)	told (7)	underage (1)
storage (1)	talk (4)	toll (1)	understand (14)
story (2)	talked (3)	top (8)	understanding (9)
straight (4)	talking (10)	Torresdale (4)	Understood (3)
straightforward (1)	talks (3)	total (1)	uniform (4)
strange (1)	tanker (1)	Toto (1)	uniformly (2)
Street (95)	Taurus (1)	touch (1)	unit (5)
streets (16)	team (3)	touched (2)	UNITED (1)
stress (1)	tech (1)	tow (5)	unnecessarily (1)
strictly (3)	techniques (1)	tractor (1)	unpleasantness (1)
strikes (1)	technology (1)	traffic (21)	updated (3)
striking (1)	telephone (1)	trailer (2)	updates (2)
struck (5)	tell (11)	trained (1)	use (10)
structure (1)	telling (2)	training (5)	usually (2)
stuck (1)	ten (3)	transcript (1)	U-turn (9)
stuff (10)	tension (2)	Transfer (3)	< V >
substance (1)	term (4)	transferred (6)	vacation (1)
substantially (1)	terms (2)	transported (1)	valued (1)
success (1)	terrible (1)	travel (6)	vantage (1)
suffer (1)	testified (4)	traveled (1)	various (2)
suicidal (3)	Testimony (10)	traveling (18)	veer (1)
suicide (3)	tests (2)	tread (1)	veering (2)
Suite (1)	text (1)	Trevose (1)	veers (1)
superficial (3)	texts (1)	trial (1)	vehicle (81)
supervision (2)		tried (3)	

vehicles (19) vehicular (12) vice (1) video (40) Videoconference (1) videos (3) view (4) viewing (1) violated (2) violation (12) violations (7) violence (1) volunteer (1) volunteered (1) vulnerable (1) < W > wait (2) waived (1) wall (1) walls (1) want (22) wanted (14) Ward (7) W-A-R-D (1) warn (1) warranted (1) watch (1) watched (1) watching (2) Watson (1) way (30) ways (5) weapon (1) wearing (1) weeds (1) weeks (2) weird (2) well (31) well-being (1) went (24) we're (22) westbound (8) we've (6) whatsoever (1) wheelie (2) white (1) William (3) willing (1)	window (2) wish (2) WITNESS (77) witnessed (3) witnesses (1) WOLK (11) WOLK-1 (3) WOLK-2 (3) WOLK-3 (3) WOLK-4 (2) WOLK-5 (3) WOLK-6 (3) WOLK-7 (3) WOLK-8 (4) Wolk's (1) wonky (1) word (4) words (2) work (16) worked (3) working (3) wound (1) wrap (1) written (4) wrong (13) wrongful (1) < Y > Yamaha (1) Yeah (20) year (6) years (16) yelled (1) yield (1) young (1) younger (2) < Z > Zoom (2)
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